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CALENDAR
OF
STATE PAPERS
COLONIAL SERIES
AMERICA AND WEST INDIES
1731

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CONTENTS

	PAGE
CORRIGENDA — — — — — —	iv
INTRODUCTION — — — — —	v
CALENDAR — — — — —	1
GENERAL INDEX — — — — —	405

The reference “A.P.C.” is to the printed *Acts of the Privy Council, Colonial Series*, “Journal” to the printed *Journal of the Commissioners for Trade and Plantations*.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Phrases in italics are summaries of matter of slight importance. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS is rubbed or torn.

CORRIGENDA

- p. 101. Delete no. 163 and in no. 162 after “C.O. 324, 50.
pp. 38, 39,” insert “and 324, 36, p. 269. *Copy.*”
- p. 241. For “383” read “383A.”

INTRODUCTION

As in the previous volume of the *Calendar*, the papers here abstracted cover only a single year in place of the two years which were included in each of the volumes immediately preceding it in the series. There are 595 abstracts for 1731, a number that does not appear greatly in excess of 547 for 1728 and 520 for 1729, which together formed a single volume. But attached to the despatches for 1731 there are many more important enclosures which have demanded abstraction at length, and many of the correspondents of the Board of Trade, like David Dunbar, wrote at such length that their letters each cover several pages. It has seemed more convenient therefore to confine the volume to the papers of 1731.

§ I.

GENERAL.

Depredations
of the
Spanish
guarda-
costas.

The year was one of peace and there were fewer complaints about the outrages of Spanish guarda-costas than usual. Claims for damages sustained from the Spaniards during the late war were still coming in (e.g. 2 and enclosures) and these were sent to the commissioners who had been set up to deal with claims for compensation for illegal seizures (see Introduction *C.S.P.* 1730, pp. vi–vii). The House of Commons was much interested in the subject and the Duke of Newcastle conveyed the King's orders to the Board of Trade that they should lay before the House accounts of the progress made by the Commissioners pursuant to the Treaty of Seville, *Journal*, p. 180). In consequence of this order the Board wrote to the commissioners at Madrid asking what had been done, but they received the reply (17 April 1731, *Journal*, p. 196) that nothing had been doing owing to the delay of the King of Spain in appointing commissaries to join with the British in the examination of the claims.

In October the memorials and accounts of the several losses of his Majesty's subjects by the depredations of the Spaniards were sent out to the Secretary of the Commissioners in Madrid (*Journal*, p. 238), copies of them being kept in the office of the Board but the covering letters and much of the materials are not to be found among the papers here calendared because they were filed under the heading "Trade. Spain. *Losses*," as we can ascertain from the *Journal*, and they are now separated from the colonial papers. This emphasises the need to consult the Trade Papers of the Commissioners of Trade and Plantations concurrently with the calendared Colonial Papers in order to secure a complete conspectus of the business passing through the hands of the Board at any particular date. In relation to the proceedings of Benjamin Keene and the other commissioners, of course, reference should also be made to State Papers, Foreign, Spain.

The Trade
Papers of
the Board
of Trade.

The papers are of direct interest for an understanding of the mechanism of the colonial trade with the West Indies and systematic papers like the schedule of losses sustained by the Governors and Company of the Royal Exchange Insurance and of the ships taken in 1727 that were insured by the London Assurance, which are contained among the Trade Papers (*Journal*, p. 238), are of greater use than the fragmentary accounts for single ships which have alone come into the Colonial Papers. The point must be emphasised that the Board was one of "Trade" as well as "Plantations" and that it made no distinction between the two sides of its work.

Disaster to
the Spanish
fleet.

The Spaniards suffered a serious loss in the autumn of 1731 by the disaster that befel the fleet of 3 men of war and 4 large galleons which set sail from Havana for Cadiz early in September. The news came to London from Boston in a letter from Governor Belcher of Massachusetts. A Boston ship on a voyage thither from Jamaica had met in the Windward Passage with a dismasted Spanish galleon which reported that a few days after the fleet had sailed from Havana for Cadiz they met with a violent storm which caused them very considerable damage and three of the ships were driven on shore on the cays in the Windward Passage. The Spaniards told them

that the flagship had on board 30 millions of money, and Governor Belcher, in sending on the sworn deposition of the Boston shipmaster, his informant, remarked that this was the richest fleet that ever went from the Spanish West Indies, which was almost assuredly an exaggeration. He believed that the disaster must certainly have an effect upon the affairs of Europe. (461, 484 i, ii).

Salvage of
the *Genoesa*
galleon.

In the papers of 1730 abstracted in our previous volume reference was made to the loss of the Spanish galleon *Genoesa*, which was wrecked off the coast of Jamaica. The inhabitants of that island had pillaged the wreck and carried off many of the effects of the Spaniards and hidden them in the interior so that Governor Hunter had to send down a navy ship, H.M.S. *Adventure* to collect the treasure aboard and bring it into safe custody. We have here an account of the treasure salvaged amounting to a total of nearly 260,000 dollars, which illustrates the great value of the silver cargoes still carried by the Spanish galleons. For the service of salvage thus rendered a sum of 21,404 dollars was charged by Governor Hunter. (25 i, v).

Cuba
and the
Jamaican
rebels.

The Jamaican colonists were very alarmed by the evidence that was collected of the aid afforded by the Spaniards of Cuba to their rebellious negroes, and Governor Hunter wrote to the Duke of Newcastle that there could be no doubt of the negroes' correspondence with and encouragement from the Spaniards (25). One of the captains of the rebels at Port Antonio had been to the Spaniards in Cuba and had told of the numbers in revolt and their inclinations to join with any who invaded Jamaica, as was learned from the examination of the rebellious negroes who had been captured (25 iii). In view of the recent designs of the Spaniards for the invasion of the island in the north-east, where the British troops and the disaffected Irish militia found it impossible to carry out effective pacification, such news was most disquieting, and the fears of the planters were increased by the news received from a captured letter from Dublin that the Irish Roman Catholic clergy were receiving orders from Rome to send missionaries to Jamaica and the circumjacent places who would organise measures of rebellion among the Papists in concert with the Spaniards (25, 25 iv).

Progress of
the French
islands
in the West
Indies.

The rise of the French islands in the West Indies caused very considerable concern to the British authorities, for, although the two Powers were at peace, it was felt that, if their good relations should be disturbed, the British islands would be gravely menaced. There are many documents referring to the rapid increase in prosperity of the French planters, and it was especially the settlements in Hispaniola that were regarded as a danger.

The General Assembly of Barbados wrote to the Board of Trade and Plantations that Martinique had arrived "to a very great pitch of prosperity and power and affords new supplies of people for settling the neighbouring islands of Dominica, St. Vincent and St. Lucia. Guadeloupe, Grande-Terre, Marie-Galante, Grenada and Cayenne increase and flourish in proportion: and on Hispaniola the French spread so fast as to become formidable to their neighbours" (386, p. 243). There was much more to fear from the assistance given by the French to the rebellious negroes in Jamaica than from the Spaniards, for they were very strong and numerous in Hispaniola and lying to windward might land a body of troops on Jamaica in a night's time (Evidence of Richard Harris of Jamaica to the Board of Trade, *Journal*, p. 206). Before the Treaty of Utrecht Martinique had few, if any, more inhabitants than the smaller British island of Antigua, but whereas the inhabitants of the latter had scarcely increased in eighteen years' peace by one man, yet the French in Martinique had augmented their number near tenfold. In case of a rupture with France the settlers in Antigua believed that this would prove their ruin as well as that of the other Leeward Islands. The French in Hispaniola were also possessed of a large and fruitful tract of land with numerous inhabitants and a very great trade to almost all parts and their forces and sugar settlements were equal to those at Martinique, while they were making new settlements in Dominica and St. Lucia, at each of which places according to the best accounts there were already settled near 500 inhabitants (Representation of the Council and Assembly of Antigua, 191, pp. 348-9). The cause and effects of this increasing prosperity of the French islands will be referred

to later in this Introduction when we come to speak of the decay of the sugar trade of the British colonies.

Sweden and the "Neutral Islands." The long-standing difficulties over the "Neutral Islands" seemed likely to be further increased by the arrival of a new competitor in the field. The British Minister in Sweden wrote to Lord Harrington, Secretary of State for the Northern Department, that there was a project on foot to carry on at Gothenburg a trade directly to the West Indies in order to buy raw sugar and tobacco at first hand to be refined and manufactured in Sweden, and the project was based upon the island of Tobago over which James, Duke of Courland claimed rights under a pretended grant of King Charles II. He was proposing to cede the island to the King of Sweden for a sum of money, and Lord Harrington sent on the Minister's letter to the Board of Trade with a request that they would inform him of the British pretensions to Tobago in order that the projected sale by the Duke of Courland might be stopped (389 i, ii, 395, 396. *Journal* pp. 233-4, 236-7). The Board reported by giving an account of the history of the dealings of the British Government with the island and showing that the Duke of Courland's claims had no valid basis. They expressed the hope that the King of Sweden would not proceed with the project, which might weaken the good understanding and harmony which had been cultivated of late years between the Crowns of Great Britain and Sweden. (413 i). In view of the fact that delicate negotiations were then proceeding between the two countries concerning their mutual trade, and that the East India Company was strongly opposing the plans of the new Swedish East India Company for a competitive trade to the East Indies (*Journal*, pp. 246-7, 256, 260-1), the designs of the Gothenburg Company in the West Indies were of particular interest to Walpole's Cabinet.

Extension of French enterprise in North America. The most serious danger from foreign rivalry, however, came from the extension of French enterprise in North America. News concerning their encroachments in the lands beyond the Allegheny Mountains came mostly from Virginia, Pennsylvania and New York, and the long despatches of Lieutenant-Governor Gooch from the first and Lieutenant-Governor Gordon from the second are particularly informing. Pennsylvania was in

a difficult position because her boundaries were nowhere fixed, save on the east by the River Delaware. On the north the 43rd degree had never yet been fixed, although it was conceived to extend to the settlements of the Five Nations which were supposed by the Government of New York to belong to that Province, and undoubtedly most of the negotiations with those Indians were carried on by them. By the letters patent granting Pennsylvania the breadth of the Province was to extend westward for five degrees of longitude, but no attempts had been made to measure off those five degrees and the French in their maps extended the boundaries of their Louisiana as far east as the River Susquehanna, which runs into the head of the Chesapeake. This would leave Pennsylvania with a breadth of only about 60 miles, and Governor Gordon was especially aggrieved that in a recently published atlas produced by subscriptions from persons of influence in England, the French version of the geography of the country was taken without question by the inclusion of their map of Louisiana without alteration or restriction. Thus, as Gordon remarked, all their exorbitant claims to the greater part of the British dominions in these regions were accepted and, so far as the authority of the new book could contribute, were supported. (89 i, p. 59). To corroborate his description of the French claims and in reply to the enquiries of the Board of Trade about the Indian tribes within his government, Gordon forwarded a paper drawn up in 1718 by Mr. Logan at the request of Sir William Keith, then Governor of Pennsylvania.

Untrust-
worthy
English
maps.

Logan was "a gentleman of good literature and large experience, who having been himself engaged in the Indian trade drew up from the informations he collected from some who had long and often travelled through Canada and the country about Mississippi an account of the French trade, their routes and their Indians" to be transmitted to the Board by Governor Keith in reply to queries submitted to him. Logan's paper was sent in the form of a copy of the original draft which remained in the hands of a private person in Pennsylvania, and it is here abstracted as one of the principal pieces of critical evidence in the hands of the British authorities

Logan's
account of
the French-
Indian
trade.

on which to base their policy in this dangerous and rapidly rising quarrel. (89 ii, pp. 63-66).

Intercom-
munication
of
Pennsylvania
and New
York.

Pennsylvania and New York were in close communication concerning the intrigues of the French among the Indians and their methods are well illustrated by a despatch from Lieutenant-Governor Gordon forwarding information that he had received from the Commissioners for Indian Affairs at Albany through President Rip van Dam of New York. This information had been laid before the General Assembly of New York, who requested that it should be represented not only to the British Court, but also to the Governors of Connecticut, Massachusetts and Pennsylvania (478 i), so that they might join them in their representations. The French, on some pretence claiming all lands lying on any waters of whose exits to the sea they were possessed, maintained that they had rights over the Indians settled thereabouts even up to their very sources. About one-half of the Indians in Pennsylvania were Shawanese, and since some of the branches of the Mississippi flowed through the back parts of Pennsylvania, the French claimed rights over them and incessantly endeavoured to bring them over to their interest. The Shawanese, from an apprehension that the Six Nations of the Iroquois were not well affected to them, had removed further into the interior, and in the summer of 1731 put themselves under the protection of the French. Learning of this, Governor Gordon sent a message to the Six Nations proposing to try if by a treaty and presents any method could be found to bring these Shawanese back, but he was doubtful of success, for he stated that the French had also gained over a considerable part of the Six Nations, who were generally looked upon as our greatest strength (p. 332).

Accounts by
Indian
traders
of French
intrigues.

The danger to all the British colonies was made more evident by the account given to the Pennsylvanian authorities by one of their Indian traders. He stated that in 1727 a French gentleman came down the river to a settlement of the Delaware Indians, allies of the Shawanese on the Ohio in Alleghany, with an intention to enquire into the numbers of English traders in those parts and to sound the minds of the Indians. He could not do much with them then, but in 1730 he returned and had

some discourse with the Shawanese touching the English and French interest and endeavouring to persuade them to unite themselves to the French. He had great influence with them, for he spoke their language, and he was able to take some of them back to Montreal. He returned again in 1731 and brought a considerable present of powder, lead and some woollen goods and helped in repairing the fire-arms of the tribe with a gunsmith, whom he brought with him. Several conferences were held and the result was that the Shawanese agreed to accept French protection and removed further towards their settlements. (478 v). The numbers of the Shawanese were small, but the incident pointed to the danger of such persuasions when they were repeated on a larger scale among the Six Nations, as it was confirmed from many sources that the French were doing (p. 314).

Need for
delimitation
of the
Anglo-
French
frontier.

In the opinion of President Rip van Dam of New York "if no care be taken, [the French] will yet further encroach from time to time, and in case of a war might prove fatal, and now in time of peace it is the only means they have to draw the Indians from us, ruin our trade and secure all to themselves. Until the limits be settled between the two Crowns, actions of this nature will happen every day and will always be to their advantage and our detriment, because they have a great number of people that run amongst the Indians and are much like them and so agree better with the Indians than our more civilised inhabitants can do. Besides, the continual infatuation of their priests amongst Indians, who are taken with the outward pomp of religion, makes a greater number of proselytes than it is possible for us to do." The President and Assembly of New York therefore prayed that negotiations might be opened for a delimitation of the frontier and for an agreement as to the reservation of the Indian trade. Such an agreement was of course eminently desirable, but the interminable disputes over the Neutral Islands showed how difficult it was to pin down the ambitions of adventurous spirits upon the frontier, and the authorities in London evinced no eagerness to start new negotiations in Paris.

New French
forts in
the Indian
country.

Besides intriguing among the Indians, the French aroused the anxiety of the English colonists by their building of new forts in the no-man's-land along the undelimited frontier. The Commissioners for Indian Affairs at Albany wrote that the activity of the French "to make new fortifications and strengthen themselves so near to our Northern Plantations puts us in great consternation considering the defenceless condition we are in, and God only knows what the designs of these our vigilant enemies may turn to while they endeavour to encroach upon us on all sides and to interrupt our trade." (478 ii). Their latest encroachment was the building of a fort at Crown Point "on the South end of Corlaar's Lake near the carrying place above Sorahtogue." In September 1731 two traders from New York who had been through the woods to Canada reported in Albany that on their outward journey they had found the French engaged in building a fort there with eighty men. When they came back, it was completed and enclosed with stockades round a large trading house. The French were busy on two more houses and designed to make the whole a very compact and defensible post by enclosing it with a stone wall. They were also planning another fort above Oswego in the country of the Senecas in order to stop the English trade with that tribe (478 iii, p. 333). The English trading house at Oswego has already been mentioned in previous volumes of the *Calendar*. The Board of Trade were deeply interested in the project for making it a centre of the fur trade, and the threat of active French opposition along the trails by which the Indian fur traders reached Oswego was of serious concern (314). The Board wrote to Newcastle relating to the trading house intended to be erected by the French in the Senecas' country. "The same consequences are to be apprehended from this new trading house as have really happened from that erected some years ago at Niagara, which is now converted into a fort, by which the French have gained a possession in that place. [They] have now taken the very same steps in a country to which they have not the colour of any title, and, should they be permitted to go on, [it] might be of very fatal consequence to our Indian Nations, who might thereby be drawn from their allegiance to H.M." (221).

French
intrigues in
Nova Scotia.

Reference has been made in earlier volumes of the *Calendar* to the ever-present dread of a renewal of the Indian war in the forests of Nova Scotia owing to French machinations. The progress of the new fishing settlement at Canso in the opinion of Captain Waterhouse, the naval commander on that station, was grievously impeded by that dread.

Louisbourg.

“The want of proper fortifications discourages people to settle there, their properties not being secured to them in case of a rupture with the Indians, which we were apprehensive of this year, which put us all upon our guard, occasioned by notions imbibed into those deluded people by the French, insomuch that they seemed extremely shy. I asked them the reason, and was answered that the English would kill them. When I cleared that point, they went away well satisfied, but they are entirely managed by the French, with their annual presents, priest-craft and some odd notions of the English breaking with the French.” (584). There could be no doubt that the rivalry between the two nations in North America was getting more and more acute from year to year, and the new fortifications that the French were erecting on the hills that overlooked the harbour at Louisbourg in Cape Breton Island showed whence they planned to make their attack. St. Pierre and Miquelon were too easily assailable to be worth fortifying, and effort was therefore concentrated upon the single strong point of Louisbourg (584) with effects that were to be of great importance in later years.

Controversy
between the
Sugar
Islands
and the
Northern
Colonies.

The most prominent subject that appears in the papers of 1731 is the controversy between the Sugar Plantations and the Northern Colonies, which came to a head in the later months of the year. The sugar trade of the British colonies was badly hit by the competition of the French and Dutch plantations, and the Sugar Islands made insistent complaints that their competitors were unfairly assisted by the supplies received from the Continental colonies, and they demanded new prohibitions and restrictions to arrest the decline of their trade. Their case was set forth in elaborate memorials which give much information about the practical working of the mercantile system,

which was the cardinal point in British colonial policy. To these memorials replies were made by the Northern colonies, and the rival representations show what an acute division of interest had arisen between the different parts of the Empire.

The case of the Sugar Colonies was most fully stated in the memorial of Barbados (386), which was prepared in August 1731 and agreed to *nemine contradicente* by the General Assembly of the island. It was received by the Board of Trade in October and was supported by similar memorials from St. Christopher (414) and Antigua (494). In November the Duke of Newcastle formally asked for a report from the Board of Trade upon the case, (509), and the battle was fairly begun. The Board called before them the Agents of the colonies and various leading merchants engaged in the sugar trade to explain and support the representations (*Journal*, pp. 253-4). Preliminary petitions relating to the same subject had been received from many sources including individual merchants from the sugar colonies, the merchants of Dublin and Liverpool (39 i, ii) and persons interested in the trade of the Northern Colonies. A Committee of the Privy Council had been examining these petitions and hearing various evidence ever since the beginning of the year (22, *Journal*, pp. 176-7), and the Board of Trade had been called to attend the meetings of the Committee, while the House of Commons was also debating the matter. There had therefore been elaborate preparations before the Board set to work on their report in December 1731 (*Journal*, pp. 253-4), and their procedure was designed to ensure that every interest should have its say. The agents for Barbados, St. Christopher and Antigua were called first and examined along with the merchants engaged in the sugar trade (*Journal*, pp. 253-4). Copies of their representations were then handed to the Agent for New England and merchants trading to Carolina, and they were requested to confer with other merchants trading to the Northern Colonies and make written replies to the contentions in those representations. (*Journal*, p. 257). Answers were presented to the Board a few days later from Massachusetts, New York, New Jersey, Connecticut and Rhode Island (*Journal*, p. 259), while Virginia and Pennsylvania

had sent in replies earlier (Virginia, 290, 406, pp. 257-262 and 473, pp. 322-8; Pennsylvania, 560).

The process was in full swing by the end of the year and the series of papers calendared here is, of course, incomplete, but some clue may be found through the maze of assertion and counter-assertion on the two sides by confining attention in the first place to the principal papers here indicated and the verbal evidence as set out in the Journal. Additional but largely repetitive matter may then be traced by reference to the index to this volume under the headings of the various colonies.

It is unnecessary to set forth the rival theories and assertions in detail, since they are so fully explained in the memorials, but, as has already been remarked, the case of the Sugar Colonies is probably best set out in the representation of Barbados (386), and that of the Continental colonies in the letter of Lt.-Governor Gooch (406). The case of the Northern or "Bread" colonies, as Pennsylvania described herself, was set out in the papers presented by the Agent of that Province (560, 561, pp. 383-386). To those papers the Agent of Barbados replied in a long memorial (578 i, pp. 397-400), and therein we have summaries of the contentions of both parties and a general history of the question at issue.

The essential cause of complaint was that the trade between the northern colonies and the French and Dutch settlements in the West Indies fostered their interests to the detriment of our sugar colonies.

Formerly the French sugar colonies had no vent for their molasses, nor made any use of it, but of late years our northern colonies carried lumber and horses to the French and Dutch and took in exchange their molasses, by which means they had them at a much easier rate than our sugar colonies, who were obliged to pay money for them. The French at Martinique would not deal with the people of our northern colonies for rum, sugar and molasses unless they paid half money and half lumber, and for this purpose the New Englanders sold their provisions, lumber etc. in our islands for money at about prime

The French
trade
with the
Northern
Colonies.

cost in order to enable them to carry on this trade with the French. (*Journal*, p. 253). Supposing there were lumber to be procured in Canada and the French settlements on the Mississippi, which was doubtful, it would be so expensive and the navigation of the Gulf of St. Lawrence and the Bay of Mexico was so hazardous that the lumber would cost three times as much as that procured from our northern colonies. The sugar planters therefore maintained that all trade between them and the French and Dutch plantations should be prohibited, which in their view would prevent our being undersold in the sugar markets of Europe. According to certain merchants heard by the Board British sugar was dearer in those markets by $7\frac{1}{2}$ per cent. than French from Hispaniola or Dutch from Surinam (*Journal*, p. 254), but St. Christophers went further and maintained that the underselling was by at least as much as 25 per cent. (414, p. 271).

Reply of
the
Lieutenant-
Governor of
Pennsyl-
vania.

Lieutenant-Governor Gooch's letter (406) is particularly interesting for its shrewd comments on the results that were likely to occur if the trade of the northern colonies were to be restricted to the British islands, as the petitioners of the Sugar Colonies desired. His survey of the whole trade of the American seas was much wider and more far-seeing than that of most of the memorialists, and we may appropriately quote certain of his very pertinent questions. "Admitting that the British Sugar Islands and the Continent should mutually engage to carry on the projected trade, and should be able to subsist without foreign help, how are the gentlemen of our islands sure that this prohibition will diminish the trade of the foreign colonies? Have not the French new settlements going on both at the mouth of the Mississippi and at Cape Breton sufficient to furnish their sugar settlements with lumber for cask, and with the ordinary application of that nation may be able in a few years to furnish them with bread and other provisions, and if they want vessels for transportation, they may be supplied by the present owners of ships in New England, Rhode Island and Bermudas, now the common carriers between the West Indies and the Continent. . . . The Dutch indeed have no settlements on the Continent to support their sugar

plantations, but 'tis not to be imagined that they will desert them, if the West Indian gentlemen should prevail in their pursuit : for since it is well known the Dutch can afford without one stick of timber of their own growth to build ships much cheaper than their neighbours, it will be no great difficulty for them to find cash for their own sugar, without being beholden to the British Plantations ; nor will they be under much greater difficulty to transport thither provisions, such as their settlements stand in need of, from Europe, when it is considered how many ships of force and great burthen they send annually to trade on the Spanish coast, which, besides their ordinary cargoes, can stow each a large quantity both of staves and provisions and deliver the same at Surinam and Curaçao, where they generally touch, without any considerable interruption to their principal voyage." (406, p. 261).

The Dutch
trade with
the Spanish
Indies.

It is significant to note from this incidental reference that the Dutch still retained the vast clandestine trade with the Spanish colonies from which they had derived such wealth in the seventeenth century. It has sometimes been assumed that they lost this trade before and during the War of the Spanish Succession and that it passed to England and France, the rivals who were contending for the *Asiento* and other valuable commercial privileges in the ports of South America. But Gooch's remark and other incidental passages, which occur here and there in the memorials concerning the sugar controversy, point to the fact that the conditions of West Indian international politics of the late seventeenth century persisted during the first half of the eighteenth.

Interest of
Parliament
in the
question.

Both Houses of Parliament were closely interested in the controversy between the sugar islands and the Northern colonies, the Lords being generally more critical of the West Indian case than the mercantile interest in the Commons. The Upper House threw out a bill presented on behalf of the sugar planters of Barbados (p. 324), but the Commons seemed inclined to favour restrictive action against the trade of the Continent. (p. 262). Both Houses were insistent in their demands for papers and the Board of Trade was constantly receiving orders from the Duke of Newcastle for the preparation and supply

to them of the information for which they asked. That this interest of Parliament in colonial affairs and especially colonial trade attracted attention as a novel phenomenon appears from a shrewd letter from Newcastle's secretary to Benjamin Keene concerning the commissaries in the negotiations with Spain on the claims of the merchants for compensation.

The letter is not included among the claims in the Colonial papers that we are calendaring, although it was written at the same time and upon the same subject. It is to be found among the State Papers, Foreign, but it may be appropriately quoted here to support our contention that under Walpole Parliament was closely interested in the actions of the Executive and was no longer content to accept unquestioningly the measures in relation to trade and colonial affairs that were adopted by the King's Ministers.

Delafaye was urging Keene to keep on good terms with his fellow commissaries, two members of Parliament representing the mercantile interest, who had just reached Madrid. "Should it happen otherwise, the consequences must be fatal. Only imagine two members of Parliament chosen on account of their being such and at the same time versed in matters of trade and most likely to satisfy the mercantile part of our people; suppose these two men, I say, returned hither without success and reporting they could do nothing because the King's Ministers would not concur heartily with them. . . . You have seen what opposition your friends have had to struggle with every Session, what compliances they have been obliged to in matters relating to the merchants. These gentlemen upon this have assumed a quite different air from what I have formerly known. They used in times past to come cap in hand to the office praying for relief: now the second word is "You shall hear of this in another place," meaning in Parliament. All this must be endured, and now in our time we must bow and cringe to them." (Charles Delafaye to Benjamin Keene, 10 October 1731. St. Pap. Foreign, Spain. 94, 109).

Northern
dislike of
Parlia-
mentary
interference.

Parliamentary interference was deeply disliked by the merchants of New England, who believed that their mercantile interests and those of Great Britain were diametrically opposed.

This belief appears implicit in many passages in the northern memorials in the sugar controversy, and Parliament was certainly more disliked and distrusted than the Crown. It is impracticable to quote special passages divorced from their context, but the general impression cannot be avoided. Parliament could not be trusted to pay due and impartial regard to the common weal, for, whenever competition was threatened, the powers of the House of Commons were certain to be wielded in favour of English interests. Such accusations could not be crudely stated, but the fact that they were implicit in the northern memorials is an indicative sign of threatening schism.

Complaints
of the
London
merchants.

On their side, the London merchants were complaining bitterly of the action of the Continental colonies in impeding the collection of debts owing to them in the Plantations and of the preferences accorded to colonial producers. In August 1731 a petition from the merchants of London was referred by the Privy Council to the Board of Trade complaining that they had great sums due to them from the inhabitants of various colonies and that, as the laws stood in some of the Plantations, H.M. subjects residing in Great Britain were left without any remedy for the recovery of their just debts or had such remedy only as was very partial and precarious, whereby they were likely to be considerable sufferers and their trade to America greatly discouraged. (367 i, *Journal*, p. 229). The Board called upon the petitioners to produce evidence in support of their grievance (401) and in reply they forwarded particulars of instances in which merchants had found it impossible to collect their debts in Jamaica, Virginia and Maryland owing to the operation of laws dating as far back as 1661, whereby priority of the payment of debts was given to the colonial creditors (434 i). News of the petition had reached Virginia before its presentation, and the Governor and Council of the Colony protested vigorously against the proposal that lands in the Plantations should be made extendible for the payment of debts. "It would make too severe a distinction" they wrote "between H.M. royal subjects [in Virginia] and those in Great Britain by subjecting the lands of the planter to the demands of the British merchant at the same time that the merchant's lands will not be liable

to the demands of the planter. Our lands are held by the same tenure and are under the protection of the same laws as the lands in England are : and, seeing in the course of the Plantation business the factors are as often in the planter's debt as the planter is in theirs, . . . the consequence of so partial a distinction must necessarily tend to create uneasiness in the minds of a loyal people, when they find they have not equal justice with the rest of their fellow subjects ; especially since it cannot be denied, even by the petitioners themselves, but they are as dutiful to H.M. and as useful to their Mother Country." (473, pp. 323-324).

Dis-
criminating
taxation.

The question of discriminating taxation had been raised by the London merchants trading to Virginia in an earlier petition (251), when they protested against an Act of the Virginia Assembly which placed only half the duty paid by British merchants on liquors imported in any ship wholly and solely belonging to the inhabitants of the said Colony. The merchants protested that such an exemption was a very partial proceeding which assumed a power of taxing H.M. subjects at large to a higher degree than themselves and set up the shipping of that Colony in opposition to and in great prejudice of the navigation of Great Britain (251). The merchants therefore prayed that the Liquor Act might be repealed, and in consequence the Board recommended that this prayer should be acceded to (278).

An Order in Council was therefore issued repealing the Liquor Act (364) and it was transmitted to Lieutenant-Governor Gooch (*Journal*, p. 231), who issued a proclamation accordingly (p. 389). But he was compelled to report the deep resentment of the people of Virginia against the merchants who were concerned in petitioning against the act. They complained that the proprietary governments were favoured at the expense of Virginia, for she alone of all H.M. Plantations was restrained from raising duties for defraying her necessary expenses and charges, while other more obscure communities could charge differential duties for years without hindrance (p. 389). Maryland, which was especially here referred to, like Connecticut and Rhode Island, escaped notice of her proceedings partly by

reason of her comparatively petty commerce, but also by her passive neglect of demands for documents and statistics.

Enquiry
as to
colonial
manu-
factures.

In consequence of various complaints of interested manufacturers and their merchant friends in the House of Commons, the Board of Trade made circular enquiries as to what forms of manufactures were being carried on in the various colonies, which might compete with British products (224, 225). In almost every instance the replies were the same, that no manufacturing industries were carried on and that the colonists relied solely upon imported British goods. Governor Gooch of Virginia expressed this succinctly when he wrote :—" Nothing but inevitable necessity will ever induce the people of this Colony to go upon any kind of manufactures interfering with those of their Mother Country. When tobacco bears but a moderate price, every planter can be supplied with all the necessaries he wants, out of the produce of his crops, at much easier rates than he can furnish himself by any home manufacture." Only when the price of their tobacco was unremunerative did many poor people try to raise cotton and flax to make a kind of coarse cloth and linen wherewith to supply the wants of their indigent families. " No sooner did tobacco begin to rise in value, than all these new-fangled manufactures vanished, and the land, which before had been used for cotton and flax, was immediately converted into tobacco ground." (473, pp. 326-7).

Manu-
factures
in Massa-
chusetts.

Only Massachusetts gave a different reply to the enquiry, but even there manufactures were upon a very small scale. There were bounties offered by the province to encourage the making of duck and canvas; some brown holland was made for women's wear which made the importation of calicoes and other Indian goods less. Small quantities of linen and cotton were made for ordinary shirting and sheeting. There was a single paper mill, several forges for making bar-iron, some furnaces for cast-iron or hollow ware and one slitting mill, which also made nails. The country folk who used formerly to make most of their clothing out of their own wool, did not now make a third part of what they wore, but were mostly clothed with British manufactures. The manufacture of linen from flax, however, was increasing owing to the considerable

immigration of people from Ireland, who were very skilled in that business. (528, p. 360.) The anxiety of the House of Commons about the increase of competitive manufactures in the colonies was therefore unfounded.

Differ-
entiation
of powers.

Turning now to matters of constitutional interest, we may remark that 1731 did not bring forth any new points of much importance. The question of the division of powers between the Crown and the legislatures was raised on an Act passed in Antigua for constituting a Court of Chancery. Owing to the frequent absence of the Governor of the Leeward Islands in other parts of his government, it was impossible to hold a Chancery Court in Antigua save at long intervals, because it was necessary for the Governor to preside in person. The Act therefore provided that in his absence the Lieutenant-General, or failing him the Lieutenant-Governor of the island, might hold Courts of Chancery. The Council of Trade and Plantations, however, advised the King to disallow this act on grounds of constitutional principle. "We do apprehend that the appointment of Judges and Chancellors being a very material part of the royal prerogative, ought always to be exercised immediately by your Majesty, or by some persons to whom your Majesty shall especially delegate that power, and not by a clause in an Act of Assembly, and the rather because your Majesty may from time to time make such alterations or additions to your Royal orders and appointments as may be suitable to the occasions and advantage of your subjects, but an act of Assembly cannot be repealed, whatever inconveniences may ensue from it, without the consent of the people. The most proper method, therefore, in our humble opinion, of attaining what is proposed by this act, most suitable to your Majesty's royal prerogative, and equally safe and expedient for the people of Antigua, would be that your Majesty should be pleased especially to appoint some person in Antigua to preside as Chancellor and execute all the functions of that office in the absence of your Majesty's Captain General or Commander-in-Chief." (200, pp. 113-4). The Board went on to point out that "great caution ought to be had in making concessions of this sort to any colony, when

The Crown
and judicial
appoint-
ments.

an uncommon favour already granted is made use of as an argument to obtain another still more extraordinary." (p. 114). Constant vigilance had to be exercised to guard the essential constitutional principle of the differentiation of powers between the various parts of the State and especially for the separation of executive from legislative functions.

Executive
and
legislative
functions of
the Colonial
Council.

This matter of the separation of functions arose also in connection with the legislature of the Bahamas, where Governor Woodes Rogers had much trouble with a newly formed and inexperienced Assembly. The despatch of the Board of Trade giving him directions as to how to proceed sets out clearly their view as to the parallel executive and legislative functions of a colonial Council. "All laws to be passed by you are required to be consistent, and as near as may be consonant to the laws of this Kingdom; so it would be proper that the proceedings of the Assembly also should resemble those of the Parliament of Great Britain, as far as the circumstances of the Colony and your Instructions will permit. And as the Council with you as in all the other Colonies abroad have two capacities very different in their nature and design, so their proceedings as the King's Council in political matters should be kept entirely distinct from those wherein they act as one branch of the Legislature, and ought to be fairly entered in separate books. It would be a pretty difficult task to lay down a plan for the proceedings of your Assembly in future times, or to allot the particular limits to be observed by them. But in general we may observe to you that the Constitution of England owes its preservation very much to the maintaining of an equal balance between the three branches of the Legislature, and that the more distinct they are kept from each other, the likelier they will be to agree, and the longer they will be likely to last." By the Minutes of the Assembly they seemed to have been prorogued by the Governor and Council, but the Governor was specially directed to see that this mistaken entry was amended, for the Council could not claim any right of proroguing the Assembly, and although it was a mistake, yet "some time or other, if not corrected, it may be made a precedent to claim a power never yet granted to any of H.M. Councils abroad." (261, pp. 148-9).

It was the consistent endeavour of the Board of Trade to establish the practice of the Colonial Assemblies on British precedents, and this appears in many of the infinite variety of details that came before them.

Appoint-
ment of
the Clerk
of Assembly.

Thus, Governor Johnson of South Carolina had allowed the Assembly there to appoint their own Clerk until the King's pleasure should be known. "But," wrote the Board "in this Kingdom H.M. always appoints the clerks to the House of Commons, and as by your 14th Instruction, you are not to allow the Assembly any greater privilege than is claimed by the House of Commons here, you are for the future to insist upon H.M. prerogative in naming all his officers; and accordingly to name him yourself." (501). The Board was careful to insist upon exact adherence to precedent in matters of form; thus eight Acts passed by the legislature of New Hampshire had been forwarded by Governor Belcher for approval, but not being under the seal of the Province as they ought to have been according to the Governor's Instructions, they could not be taken notice of as authentic laws, and the Governor was required to send other copies under the seal of the Province before consideration could be given to them. (499).

Authenti-
cation of
documents.

The use of a Colony's seal for the authentication of documents gave rise to a difficult question of dispute between the Governor and Assembly of Rhode Island and was referred to the Crown, which was not frequently troubled with the affairs of that small colony. An Act had been passed by the General Assembly there concerning the emission of bills of credit, to which Governor Jencks dissented. Several of the inhabitants applied to the Governor for a copy of the Act and the Colonial Secretary sent to him for an order for affixing the Colony seal thereto. Two members of the Assembly, learning of this and desiring to be accounted prime agents in the preserving of the Charter privileges of the Colony, spread the news and declared that the Governor had endangered the loss of the Charter by ordering the Colony seal to be set to a complaint to the King against the Government. This aroused much discontent, and the Governor therefore petitioned the Crown for the determination of three points of constitutional interest (i) Whether any act passed by

the General Assembly of Rhode Island might be judged valid, if the Governor had entered his dissent from it at the time that it was voted? (ii) Whether he might disallow or refuse setting of the Colony seal to copies taken out of the Secretary's Office and attested by him in order to be sent to the King? (iii) Whether it was the duty of the Governor to examine all such copies before he ordered the Colony seal to be set thereto, the Secretary who attested them being an Officer under oath? (539 i, 402, 402 i, ii, iii).

The answers of the Board to these questions were not prepared before the end of the period under review, but they will appear among the papers of the following year.

Temporary
Acts.

Certain of the laws passed in the Colonies were of a temporary character and the question arose as to what happened when one of these Acts expired. It was referred to Mr. Fane, the legal adviser to the Board of Trade, and he gave the opinion that upon the expiration of a temporary act repealing a clause in a permanent act, that clause revived again. This had been determined to be the constant practice in cases of the like nature in Great Britain, and the precedent was therefore held to govern colonial practice. (510, 545).

Convict
trans-
portation.

Some of the colonies were complaining bitterly of the transportation of British convicts to their shores and of the increasing disorder and crime caused by them. There appears to have been an increased flow of transported convicts during the period, and Governor Osborn of Newfoundland wrote that it had become a practice of the masters of ships to bring over to the island transported felons instead of Irish servants. An unhappy instance of the villains already there happened at a settlement in Conception Bay where a woman and four children (being all in the house who could speak) were in a most barbarous manner murdered in one night, and the murderers could not be discovered. (p. 205. See also 422 ii, p. 279). In earlier volumes of the *Calendar* mention has been made of similar outrages committed by transported convicts in certain of the continental colonies, and they seem to have endeavoured to decant some part of the flow of convicts thither by sending

them to Jamaica. No convicts were transported direct from England to that colony, but the influx from the northward brought great dangers with it. The people in the towns used to sleep with their doors open, but since the arrival of the convicts they were obliged to keep watch in their counting houses and storehouses to prevent felonies and outrages such as had occurred (pp. 338-9). The many "native" Irish immigrants who were pouring into different parts of the empire oversea at the time were not so dangerous; they were generally characterised as a lazy, useless sort of people who came cheap, but whose hearts were not with the settlers and they added very little to the wealth or security of any colony into which they were "poured in shoals." (486, p. 339).

§ II.

THE AMERICAN COLONIES.

Troubles
in New-
foundland.

The affairs of Newfoundland continued to demand much attention from the authorities in England, for, although a resident population had succeeded in establishing itself in the island and the idea of removing the settlers had at last been abandoned after eighty or ninety years of unsuccessful efforts, that primitive community only existed on sufferance and was never regarded as a proper colony. The Fishing Act of King William's reign, which codified very much older traditional practices, was still in force, and the endless quarrel between the fishermen of the western ports, who came only during the summer, and the local merchants and fishermen, who resided in Newfoundland all the year round, was at its height. As the papers of the immediately preceding years have shown, the naval Governors who went out every season, had been compelled to introduce a system of resident justices of the peace to try and establish order amid the anarchic conditions that prevailed. There are many papers in this volume that deal with the disputes between the jurisdiction of these new local authorities and the old "fishing admirals," as the first skippers arriving in the island harbours each season were called. Governor Osborn found that the admirals who by King William's Act had judicial

authority over the fishermen in each harbour during the season, as was quite feasible at the time the Act was passed, were attempting to extend it over all the resident inhabitants. They obstructed the Justices of the Peace in every way, almost rendering them useless. They were the opposers of all the steps that had been taken by the Governors to bring order out of anarchy, but while the naval vessels were in harbour, they had to be submissive. As soon, however, as the Governor or his lieutenants were out of the way, they treated H.M. authority and power with great contempt. Some of them did not scruple to say that it was their interest to oppose any form of government whatever in Newfoundland which was not established by Parliament. They believed that the administration of all affairs was in them, and that they had thereby an unlimited power to do whatever they pleased. They made use of it to serve any fraudulent purpose in their private ways of trade, a great many of which they could not carry on if the power were not in their hands, (319, p. 199). They acted as though all civil government were placed in their hands by Act of Parliament and behaved in most arbitrary manner, even presuming to create constables and issue warrants to the constables properly appointed by the justices in Quarter Sessions, thus creating great confusion. (319 ii, p. 200, 331, 422). Their power was properly limited to the hearing and determining the rights and properties of fishing rooms and such matters and things as related to the fishery, (331 i, p. 206, 422 i), but even in those respects they misused it. Thus, for example, by an order of Governor Osborn in 1729 a tax of merchantable fish was to be levied on all fishing boats and all boats' rooms towards erecting a prison in St. Johns, but as that tax could not be collected owing to the resistance of the shipmasters, it was replaced by one of 3*d.* in the pound on all servants' wages employed in the fishery, to be stopped by the shipmasters out of those wages. Influenced by the fishing admirals, both the masters and the servants stoutly declared the tax illegal and refused to pay anything at all, thus placing the authority of the justices in contempt, so that they had to appeal to the Home Government for assistance and guidance. (422 ii, p. 280).

Complaints
of the
'fishing
Admirals.'

What that guidance should be was quite uncertain, for to anything proposed to strengthen administration in Newfoundland, the fishing merchants of the ports of the West of England raised clamorous resistance, as will appear more fully in the papers of 1732. The fishing admirals were as loud in their complaints as the justices, and they accused the inhabitants of destroying and pulling down during the winter all their houses, cook rooms, wharfs and stages, which was very destructive to the fishing voyages of the following season and added greatly to the cost of the fish for sale in Europe. According to the admirals, the justices did nothing to restrain this destruction, while they on their part accused the soldiers of the garrison of taking the wood of the stages away for fuel for their fires. (421). Newfoundland is pictured as a scene of chronic anarchy which was added to by the turbulent Irish Papists, who had grown so insolent that they openly declared that they wished for nothing else but the French to come over, when they would join them directly. Governor Clinton reported that this was a very real danger, for most of the Irish possessed secret arms and the French were only a very short distance away at their new stronghold of Louisbourg (422). At the end of November Newcastle referred the whole question of Newfoundland and these disputes to the Board of Trade with a request for a full report on what it was best to do. It was, however, not until March 173 $\frac{1}{2}$ that the Board took this reference into consideration and the results of their deliberations will appear under that date. (508).

The French
danger.

Fire at
Placentia.

The calamitous settlement at Placentia, which had seen so many vicissitudes since it had passed into English hands after the Peace of Utrecht, suffered a crushing blow in October 1731 when a dreadful fire in the space of an hour or so reduced all the best houses in the town to ashes. 700 cwt. of bread and 1800 cwt. of flour, together with abundance of other provisions were destroyed within that short space of time, and the garrison and inhabitants were reduced to a state of starvation. (426).

Canso.

Canso in Nova Scotia was making little headway against its troubles, for the spring fishery was very bad and six of the

settlement's few schooners were lost in a storm. The place was so much exposed to danger from the French and the Indians owing to its advanced position in the Gulf of St. Lawrence that it did not readily attract settlers. In fact much of the benefits of its fishery, on which the Government had set such hopes, went to the visiting fishing smack ships from New England which refused to share any part of the burden of carrying on the settlement. (584 iii).

Nova Scotia
and the
Acadians.

In the other parts of Nova Scotia Lieutenant-Governor Armstrong at Annapolis Royal was not only troubled with the French intrigues among the Acadians and the Indians to which reference has already been made, he had puzzling difficulties with the seigneurs who had taken the oath of fidelity and were incessantly pestering him with exaggerated claims to lands under ancient French grants before the Treaty of Utrecht. "The French that I have to deal with," he wrote, "are a perfidious, head-strong, obstinate and as conceited a crew as any in the world." (487, p. 286). Several new settlers were petitioning for land grants and only by such means would it be possible to introduce a British population and develop the province. But in the first place the Governor was restricted from making any grants until Colonel Dunbar, the Surveyor-General of the Woods, had set aside 300,000 acres of timber for the Royal Navy, and then the seigneurs laid claim to vast areas that they had done nothing to improve and which lay entirely derelict. Many of those lands had been abandoned ever since the conquest of the colony, but the seigneurs pleaded their rights under the Treaty of Utrecht even though the lands lay waste and uncultivated. As Armstrong truly remarked, "The country will in a great measure remain a wilderness, and there will be scarce one acre left to be granted to Protestant subjects, who are much desired and for whom room might be found, if these seigneurs did not thus pretend a right to the greatest part, if not the whole Province, without complying with such conditions, as may be naturally conjectured, that first moved his Most Christian Majesty to make such concessions." In the part of the Province round Annapolis Royal there was not one inhabitant who paid a farthing of rent

Exaggerated
claims
of the
seigneurs.

towards the defraying of the charges of government, and so it was a continual expense to the Crown. (427, p. 287).

Governor Armstrong therefore recommended "the necessity of having the French inhabitants' estates surveyed and measured," because otherwise it would be impossible ever to procure any just plan of the country. It was said that some if not all of them possessed and claimed greater tracts than they were anyways entitled to, and, since they refused to renew or take fresh grants, it was necessary to record their French grants. Ever since the reduction of Annapolis there had been "strange juggling amongst these seigneurs, as well as the other inhabitants, who, as heirs, pretended a right to the estates of those who left the country even at the Capitulation, and others pretended to have bought of those that went away by virtue of Her Majesty's letter, dated 23rd June 1713." It was commonly said that rents had been remitted from Nova Scotia to persons in the dominions of France, which, though it might be forbidden, could not be easily prevented any more than their clandestine trade with the people of Cape Breton, whither they transported annually above three or four hundred head of cattle besides sheep and other provisions. (427, p. 289). It was this persistent passive resistance of the old French settlers to every measure of Anglicisation that rendered it impossible to develop Nova Scotia as a British colony, save by drastic measures and at a prohibitive expense. The authorities recognised the dangers of treachery arising from this alien community at the gateway to the all-important fisheries, but they could not bring themselves to face the expense of dealing with it until there was no alternative.

Massachusetts
and New
Hampshire.
Dunbar
v. Belcher.

The incessant disputes between David Dunbar and Governor Belcher went on with full and acrimonious vigour, and a new cause of quarrel arose between them from what seems to have been a very ill-advised promotion given to the contentious Surveyor-General of the Woods. By his commission Belcher held the offices both of Governor of Massachusetts and of New Hampshire, the Lieutenant-Governorship of the latter colony being filled by Colonel Wentworth. In February 1731 the

Board of Trade learned of the death of Wentworth from Governor Belcher who recommended Joseph Sherburn for the vacant appointment. They had already given much consideration to finding ways of supporting Dunbar in his efforts to preserve the King's woods for the supply of naval stores, and they now wrote to the Duke of Newcastle about filling Wentworth's place. "We presume your Grace will have very few applications for that employment, which is really of very little value, having no salary annexed to it, nor any perquisites but such as arise from the good will of a very poor province, and therefore we take leave to recommend Col. David Dunbar, the present Surveyor-General of the Woods, to succeed him. This we do purely out of regard to H.M. service, because we apprehend this would increase Mr. Dunbar's authority in those parts and greatly contribute to the preservation of H.M. Woods." (45, *Journal*, p. 178). The Duke accepted the recommendation, and in April Dunbar's commission was laid before the Board and agreed to (*Journal*, p. 190). In June Governor Belcher wrote (237) complaining that he had heard nothing from them since their short letter of February 12 (53), and it was not until the beginning of July that the Board wrote to him the distasteful news that they had given him as his lieutenant the very man against whom he had been constantly complaining. "We are of opinion that [Col. Dunbar] had sufficient grounds for his apprehension [of your action] and he would have been wanting in his duty if he had not sent us such informations as he had received upon [New England] affairs. We thought it would be for H.M. service that this gentleman should be appointed his Lt. Governor of New Hampshire to increase his authority as Surveyor-General of the Woods, and, upon our recommendation, H.M. has been pleased to appoint him accordingly. But we presume he will always pay you that regard that is due to his superior officer, and we doubt not but you will treat him as a gentleman that bears H.M. Commission as Lt. Governor." (277, p. 162). Belcher must have already heard of what was proposed through private sources, for three weeks before the foregoing letter was sent he had written from Boston to Mr. Popple, the Secretary of

the Board. "The appointment of the new Lieutenant-Governor of New Hampshire after his so vilely traducing me has been a great weakening of the King's authority in my hands, nor do I believe it will be the least strengthening of him in his other office." (247). However, he gave orders for proclaiming the new Lieutenant-Governor in New Hampshire, and Dunbar was accordingly installed in office in July. (287).

The sanguine expectations of the Board were disappointed almost before they were formally expressed, and all Belcher's fears were justified. Dunbar's appointment merely added fresh fuel to the flames of controversy, for at every turn he strove to exalt his own authority in defiance of the Governor, and there can be no doubt that Belcher was right in characterising him as "an uneasy gentleman" (457, p. 306). He alternated between New Hampshire, Boston and the Eastern Country on the Kennebec, everywhere insisting on his authority and claiming new rights. As Belcher wrote, "threatening to tie people to trees and whip 'em, and burning the fruits of their honest labour are odd measures to pursue in an English Government and under the most gracious Sovereign in the world." (457, p. 306). As Dunbar himself wrote "My letters are generally so very long that I fear it prevents their being taken into consideration" (p. 127) and Belcher wrote on the disputes at almost equal length. As was remarked in our previous Introduction (*C.S.P.* 1730, p. xxxvi) it is impossible to analyse them here with any profit, and it may be suggested that the best way to examine the controversy is to begin with the long report sent by the Board of Trade to the King on November 4, 1731 where an attempt was made to summarise the principal points at issue. (467, pp. 316-318). They had given three weeks' hard work to its preparation and heard Jeremiah Dunbar, David's brother and agent, in his favour. The papers they thought worthy of consideration are listed in the Journal, and that list may facilitate reference about the various points in dispute. (*Journal*, pp. 238-242).

It was mentioned in our previous Introduction that while the Assembly of Massachusetts were unyielding in their refusal

The salary
of the
Governor
of Massa-
chusetts.

to establish a permanent salary for the Governor, they had pledged themselves to a compromise and to vote an annual provision at the beginning of every session (*C.S.P.*, 1730, p. xxxviii). Governor Belcher recommended at the end of 1730 that that compromise should be accepted, and again in April he wrote requesting permission to sign the bill for his salary, which had been duly passed by the Assembly in October, 1730. (288). He got no reply and wrote again in July saying that since May there had not been a shilling in the public Treasury for the support of the King's Government. "Nor will the Assembly make any supply of money to the Treasury, unless it be in such a manner as the King in his royal Instructions says is expressly contrary to the tenour of the Charter." (321). This did something to move the Government, and the Committee of the Privy Council called the Board of Trade into consultation to decide what was to be done about giving Governor Belcher leave to sign the salary bill. (326, 335, 345). After deliberation the Board were ordered to prepare a report on the matter and submit a new draft Instruction permitting the Governor to accept the salary voted by the Assembly in June. The Board did so (350), but before they received the acceptance of the Committee of the Council, Belcher wrote again to say that the Assembly were utterly recalcitrant and were leaving him entirely destitute of supply, so that he was quite without funds to discharge the expenses of his government. They were calling the inhabitants of the towns together to enlist their support, and the situation was undoubtedly fraught with the most serious danger. (383). But, despite his many urgent representations, the Governor was left without any reply for many months, and it was not until November 17 that the Board of Trade wrote at last acknowledging in a single omnibus phrase his letters "of the 1st, 12th, two of 21st and 24th June, 12th, 13th and 26th July, and 20th, 21st, 27th and 31st of August." Nevertheless despite their own dilatoriness of reply "my Lords Commissioners" through their Secretary desired the long-suffering Governor "to be punctual in your correspondence with them and give them constant accounts of whatever shall happen in your Governments." (499). Even then the difficult

salary question was referred to only in a casual fashion, for Popple merely wrote "My Lords do not mention anything particular relating to your salary; H.M. having graciously been pleased to allow your receiving what the Assembly have already voted for you. But as this is to be no precedent for the future, you will do well to use your utmost endeavours to induce the Assembly to comply with the King's request." (499).

One receives an impression from the correspondence of incompetence or shirking of responsibility by the King's ministers in this long drawn out dispute with the Massachusetts Assembly, but it is difficult to decide where the onus principally lay. From the pages of their Journal we can see that the Commissioners of Trade often discussed the matter, but it did not lie with them to decide for a drastic and more consistent policy with regard to the recalcitrant New Englanders. It looks as though it were the Cabinet that could not determine what to do; faced with the obstinate and almost unanimous demand of the people of Massachusetts for liberty in essential matters of taxation, they would say neither "Yes!" nor "No!", but left the Governor to stumble on as best he could. Where policy was clearly wanted, they could not be said to have had a policy, but drifted on neglectfully while Massachusetts was confirmed in its belief that by standing out it could always get its way.

Massachusetts
claims in
the Kennebec
lands.

In protesting their claims to the lands of Maine and the country where Dunbar was trying to build up new settlements they were determinedly vigilant. The claims of Sir Bibye Lake, Samuel Waldo and others to enforce their rights to a tract of land between the Rivers Kennebec and St. Croix under ancient grants were really backed from Massachusetts and had been pending ever since 1729 (*Journal*, pp. 82-3, 95), but they were not formally referred by the Committee of Council to the Board of Trade until April 1731 (*Journal*, p. 195), and the Attorney and Solicitor General delivered their report upon the case in August. That document (353 and enclosures) contained much of interest in relation to the law of land grants and to certain points of international law concerning lands acquired by conquest. It was definitely favourable to the claims of the petitioners and so destructive of Dunbar's colonising

schemes in his "Province of Georgia," but it was not until the following year that the Board of Trade completed their examination of the matter and gave their recommendation in favour of the Massachusetts grantees.

Agitation
for a separate
Governor in
New
Hampshire.

The principal matter in which New Hampshire was concerned has already been referred to in connection with the Dunbar-Belcher dispute, but we may also remark upon the movement that was on foot for the separation of the Governorship of that colony from the Governorship of Massachusetts. Governor Belcher's friends maintained that this was an agitation artificially fostered by Lieutenant-Governor Dunbar's partisans, and their memorials to the Crown (394, 459) contain interesting facts concerning the poverty and sparse population of New Hampshire at this period. It was, of course, not until much later that the movement for separation was successful.

New Jersey.

New Jersey, too, desired to have a Governor of its own and no longer be combined with New York. There the agitation seems to have had wider support, but it met with no more success.

New York.

In the correspondence from New York during the year the principal matters of interest were concerned with the Indian trade and the encroachments of the French to which reference has already been made. Governor Montgomerie died during the year (277, 310) and before the appointment (January, 173½) and arrival of his successor, Col. William Cosby, the Government was carried on by President Rip van Dam, whose letters show him as a capable and efficient administrator. New York was communicated with not only upon its own affairs but also as agent for dealing with the lesser neighbouring colonies of Connecticut and Rhode Island. Mr. Popple wrote to Governor Talcot of the former asking him for regular accounts of the public transactions in his government and for authentic copies of the laws passed in the Assembly of the colony. He reminded him that as far back as 1710 Governor Saltonstall had promised a collection of the laws of Connecticut, but nothing had been received. (203). Rhode Island, too, had sent none of its laws, but whereas Connecticut took some notice of the Board's

Connecticut
and Rhode
Island.

requests, the other Colony sent no answers to the letters asking for compliance. Popple therefore wrote to Governor Montgomerie in New York asking him to procure printed copies of the laws that were in force both in Connecticut and Rhode Island. (262). After Montgomerie's death President Rip van Dam searched for such printed copies of the laws but could find none, and when he wrote to the Governors of the two colonies he could get no answer (458, but see 582). However, in both cases, they needed some assistance from the Board of Trade and, in order to procure it, they appear to have found it best to forsake their usual neglect of the authorities in England and comply with their requests. Governor Talcot sent his laws both direct (470) and via New York (582) and Governor Jencks also complied at last, and also answered the queries that were sent to him. (474, 539).

A 'Georgia'
in the West.

We have spoken earlier of David Dunbar's project of founding a 'Province of Georgia' in the region between the Kennebec and St. Croix Rivers and of the disapproval with which the Board of Trade viewed the application of that name to his settlements. (*C.S.P.*, 1730. Introduction, p. xxxv). Another project which also purposed using the name 'Georgia' must similarly be distinguished from Oglethorpe's Georgia scheme on the Savannah River to which reference is made below. Sir William Keith, at one time Lieutenant-Governor of Pennsylvania, with two Swiss, John Ochs and Jacob Stauber, and two men of English stock petitioned the King for a grant under a proper form of government of a tract of vacant land behind the great ridge of mountains to the westward of Virginia. They proposed to call it the 'Province of Georgia' and to people it with some thousands of substantial, industrious people from the Protestant Cantons of Switzerland and other parts of Germany. (342 i). The petition was referred to the Board of Trade for their report (342), and Messrs. Ochs and Stauber were called to give evidence (*Journal*, pp. 189, 322). The negotiations went on through the autumn and objections were raised that the Board was already committed to the Swiss scheme of Jean Pury in Carolina which had not yet been brought to fruition (399). However, the petitioners pointed out that they were looking to an entirely

different region, the land beyond the mountains where nothing had yet been attempted and where the French might anticipate an English settlement if that were not begun without delay. The final form of the scheme was set out in a memorial presented in September 1731, and from that we learn that Keith and his partners were not contemplating a mere emigration scheme like Pury but desired to form a new inland colony entirely separate in its government from Virginia and Pennsylvania (399, p. 252). They suggested that the Board should take evidence from Colonel Spotswood, who had had such a large share in settling the inland parts of Virginia with his work in Spotsylvania County (391), and that he might be a suitable person to be the first Governor of the proposed settlement. Stauber, himself, had had more than twenty years' experience in the remotest parts of Pennsylvania among the Indians (425) and would assist in managing the actual settling of the immigrants upon their lands. However, no decision was come to before the end of the year, although signs were already evident that neither Virginia, Maryland or Pennsylvania would readily consent to the establishment of a new and independent government behind them in the interior, which would block the possibility of their westward expansion.

Claims of
Lord
Fairfax.

Governor Gooch reported from Virginia that there was a strong inclination among the people in the Dominion as well among many strangers from Pennsylvania to extend their settlements on the western side of the great mountains and on the River Cohongaroonton to hold their lands of the Crown under Virginian grants. They held that those lands belonged to the Crown of right as lying beyond any part of the rivers called Rappahamock or Potomac. But Lord Fairfax claimed that they lay within the district granted to him and contended that not only the main stream, which forms those rivers, but all other rivers and streams which communicate therewith, by what names soever they were known, and the lands encompassed thereby lay within the limits of his grant. Nevertheless Gooch with the advice of the Council of Virginia was of the opinion that Fairfax's charter could not have so large a construction as was claimed, and being sensible how much it

was for H.M. interest to encourage settlements in the interior so as in a few years to get possession of the Lakes and be in a condition to prevent encirclement by the French, had accorded grants to such as applied for them with the promise of patents so soon as the number of people the applicants promised had been brought to settle on that frontier (289, p. 169). The dispute with Fairfax also concerned the boundary of the Northern Neck and many of Gooch's excellent despatches devoted much space to the arguments concerning the extension of the authority of Virginia into that very unruly region.

North
Carolina.

The affairs of North Carolina were still very disturbed under the new Royal Government as they had been in the days of the Lords Proprietors, and Governor Burrington, though he wrote long despatches to prove that he had brought the colony to order, does not appear to have really effected very much (e.g. 404). The colony was rent with violent quarrels and tempers ran so high that there was no restraint either of language or conduct. North Carolina, in fact, had a very bad reputation for quarrelsomeness and misrule. South Carolina was more settled, but even there the law did not run very smoothly outside the immediate neighbourhood of Charleston, the seat of government. There had been no Courts of Justice held for four years for want of a jury (p. 343), and when efforts were made to collect the debts that were owing by the planters in the country districts, they failed. When the Marshal attempted to serve a *capias* for the recovery of debts out of Charleston, there were frequent rescues from him, "the negroes were let loose upon him and he frequently wiped or drawn through a ditch, but all complaints [were] to no purpose, for legal proof [could] not be made that it was by their master's order, though everyone [knew] it could not be done without it" (548, p. 370).

South
Carolina.

Oglethorpe's
settlement
in Georgia.

General Oglethorpe's project for the foundation of a new colony of Georgia, first came before the Board of Trade in December 1730 (*Journal*, pp. 165, 167-8, 169), and the petitioners were busily negotiating with the authorities from that time onwards. There are few papers connected with the project among those of 1731, for the discussions were mostly

verbal, as we can see from the pages of the Journal. The projectors early agreed that the area to be included in their grant should be "bounded southerly by the most southern branch of the River Alatamaha and northerly by the most large and navigable branch of the Savannah" (*Journal*, p. 169). The region was traditionally within the Province of South Carolina and during the negotiations the project was always spoken of as one for the settlement of South Carolina. Some references to it, therefore, may be found indexed under that heading.

North Carolina and Virginia heard of the Georgia project during the year with some apparent jealousy, for they also needed settlers. Moseley, the great land-jobber of the former colony, still had 20,000 acres to sell when he could find purchasers (404), and as one of his correspondents wrote to Governor Burrington from Virginia "It must be owned North Carolina is a very happy country where people may live with less labour than they can in any part of the world, and if the lower parts are moist and consequently a little unwholesome, everywhere above Chowan people may live both in health and plenty. There is a subscription in England for settling an hundred families of poor debtors on Savannah River, which will prove a grave for them. They had better send them to North Carolina." (404 ii, p. 257).

§ III.

THE WEST INDIES.

The
Bahamas
Capt. George
Phenney.

Captain George Phenney had left the Bahamas, but the affairs of his Governorship were not yet cleared up, for he had to petition the Crown for the deliverance up to him of a bond which his successor Governor Woodes Rogers had compelled him to deliver to the Treasurer of the Colony for the sums raised during his administration. The Board of Trade made a favourable report to the Committee of Council on this petition, which is of some interest as bearing upon the financial responsibility of a Governor. The Assembly's objection to Phenney's proceedings related solely to the way in which he had levied money

for the expenses of government. There was then no Assembly in the Bahamas, so that the money was raised by the highest authority which then subsisted and by the same power as his predecessor had levied taxes for the same purposes. By his commission Phenney was authorised to do everything that might conduce to the security of his Government, and the Board held that what he had done was the common practice of England towards her infant colonies and it was approved at the Quarter Sessions of the Islands, which was the most popular Court that could take cognizance of such matters before the constitution of the Assembly. The ex-Governor's bond was therefore returned to him and he was protected against suits in the Bahamas Courts for what he had done in his capacity of Governor. (322, *Journal*, p. 235). Captain Phenney was appointed Surveyor-General of the Customs in the southern colonies of America, resident in Virginia, (526), and as such appointed to the Councils of each of those colonies, so that despite the troubles that had beset him during his Governorship he was clearly regarded as a valuable servant of the Crown. In connection with this appointment we may note an impression derived from the perusal of these papers in successive years that, although there was in the early eighteenth century no organised Colonial Service, men were employed successively in different appointments for many years when they had shown administrative capacity. Not all colonial appointments were made by favouritism or patronage, but the good services of men like Lieutenant-Governor Gooch of Virginia, Colonel Mathew, Lieutenant-General of the Leeward Islands, Major-General Robert Hunter of Jamaica and others of lesser rank like George Phenney gave them a prolonged colonial career. Incidentally we may remark that in 1731 for the first time we meet with the name of William Shirley, who went out in that year to Massachusetts with the Duke of Newcastle's recommendation (372, 461, 531) and was later to play an important part in colonial affairs.

William
Shirley.

The
Bermudas.

There are few papers of interest from the Bermudas during the year save Lieutenant-Governor Pitt's reply to the queries addressed to him by the Board of Trade in the usual course.

Barbados.

He remarked that in two years the inhabitants of that tiny and poverty-stricken colony had decreased by 1,173, about one-seventh of their whole number, "the chiefest reasons whereof are that the inhabitants daily remove their families to other colonies for their better support and the blacks are often transported." (306 i). Similar emigration was also going on on a considerable scale from Barbados, and we hear of Barbadians passing northwards to find new homes and better prospects in Carolina. That island was unusually quiet (256) and was on the decline. Governor Worseley laid down the governorship that he had held for so long (430, 432) and departed for England, where as soon as he arrived he was called into counsel by the Board of Trade concerning the affairs of the colony (476, *Journal*, p. 249).

The
Leeward
Islands.

The affairs of the Leeward Islands also were not of any particular moment, but St. Christopher suffered a serious disaster by the blowing-up of its principal magazine which was struck by lightning. The greater part of the ammunition and arms of the garrison were stored therein and their loss left the island in an almost defenceless condition (554, 569). The rapid succession of Governors in recent years owing to death had frequently left the administration in the hands of Colonel William Mathew, the Lieutenant-General of the islands, as second in command. The Board of Trade were concerned at what would happen in case of his death or absence. The King's commission directed that in the absence of the Captain-General (or Governor-in-Chief), the chief command in the Leeward Islands should devolve upon the Lieutenant-General and in his absence upon the Lieutenant-Governor of Nevis and upon the President of the Council in that island. In all probability the first cause for giving this preference to Nevis was its having been entirely settled before any other of the islands, but St. Christopher and Antigua had both outstripped it and Nevis had sunk to be a very small community. The Board of Trade therefore recommended that in the absence of the Captain and Lieutenant-General the command should devolve first on the senior Lieutenant-Governor among the four islands and so in turn. If no one of the Lieutenant-Governors was available,

then the office would pass to the President of the Council of St. Christopher as now the island of most consequence in the group. (226, 234, 274, 530, 552). That the question was one of direct practical interest at the time was shown by the fact that while the orders were being discussed there was no Captain General in the islands owing to the death of Lord Forbes and the non-arrival of his successor, Colonel William Cosby, the Lieutenant-General, William Mathew, had departed for England on leave of absence, and the command therefore devolved on Michael Smith, President of Nevis who was a person of no particular substance or standing. It is another instance of the difficulties caused by the persistence of complex regulations after circumstances had changed. In the little, over-governed communities of the West Indies this conservatism could not fail to produce unfortunate results.

Lands
in St.
Christopher.

There is a long and interesting report from Mr. Fane upon a case referred to him concerning the title to lands in St. Christopher, which had been forfeited by the treasonable adhesion of various Irish planters to the invading French during the late wars. The question of the disposal of such forfeited lands and of subsequent titles to them was argued at length, and the report is of interest concerning the effects of Acts of the colonial legislature in cases where there had been a change of property by rebellion, and later after possession for a great number of years (here from 1689 to 1712) a law was passed to quiet the possessors without any private view but only for the general quiet and ease of the country. (571, pp. 392-396).

Jamaica.

The many papers from Jamaica are filled with accounts of the operations against the negro rebels which were a depressing story of incompetence, cowardice and neglect of precautions. On the other hand there was much correspondence concerning the two regiments that were sent to the island at the planters' urgent representation of the dangers that were threatening them from the revolt of their slaves. But though they clamoured for the protection of the soldiers, they would not contribute to their support, nor help in housing them. The mortality among the troops was terrible and the regiments were soon reduced to a fraction of those who had landed. It

is unnecessary to recapitulate the story, but to follow it reference must be made to the papers which show that perhaps a major share of the attention of the Privy Council Committee and the Board of Trade was given to these Jamaican affairs (e.g. 210, 249, 272, 292, 300, 351 i, 370, 412, 491, 492, 550 ii). The officers of the regiments detested the service and the factiousness of the planters afforded them their opportunity to intrigue for their withdrawal. We learn of this from the representations of his Council to Governor Hunter which he forwarded to the Duke of Newcastle along with his account of the rout of the military forces sent against the rebels. "The weak and defenceless condition of the island [persists] and we are concerned to find our opinions [concerning it], honestly and faithfully given, have had less weight than the solicitations of some interested officers, who from their first landing here have shown a dislike to the country and an indisposition to the service. These officers the better to carry their point have transmitted a message from the Assembly to the Council where it is insinuated the country had no occasion for them. That was but the opinion of one part of the Legislature and carried by a small minority, who under show and pretence of popularity are running the country into the greatest disorder and confusion. If the officers had acted with candour, with a view to H.M. service and not their own interest", they should have noted the evidence showing that the militia were not sufficient for the defence of the island. (550 xi, p. 375).

The negro
rebels.

The projects of conciliating the rebels and of deporting them to the Bahamas or of using the Moskito Indians against them, which were recommended by some, were neither practicable nor advisable. "At this time" wrote the Council "the negroes are flushed with success and they would rather impose than receive terms. Nothing but arms can bring them to submit, much less a proposal to banish them to the Bahamas. The Moskito Indians were never made use of by this country [*sc.* Jamaica] but once for the reduction of the rebellious negroes and then they acquitted themselves so ill that the country did not think it worth while to employ them again, neither did they care any more for that service when they found the

Uselessness
of the
Moskitos.

rebels knew the use and were provided with fire arms." (550 xi). Governor Hunter was of the same opinion. "As to the Moskito Indians, it is but too true, they were not satisfied with their treatment when here last, neither had they much reason to be so, having had their arms which were given them taken from them upon their return home. By the report of all who were acquainted with them they are utterly unfit for such service in the rocks and mountains, their own country consisting of marshes and bogs, and all or most of their expeditions there performed in canoes. Neither did they indeed do any service when here, pretending they were imposed on in assurances given them, that the rebellious negroes had neither arms nor ammunition."

Relations
with the
Moskito
Shore.

Nevertheless the Moskitos lived in strict amity and correspondence with Jamaica and their King was very proud of the parchment commission, the great seal and trappings that were sent to him as usual. He desired to come to England, but the Governor put him off with various excuses. (486, pp. 337-8. See also 328).

Cause of
the Jamaica
difficulties.

The real cause of the troubles of Jamaica was discerned by General Hunter. "The great service of all our evils on this side is the indolence and inactivity of the men of figure and substance, who generally speaking not only lie by in the election of members of Assembly, but will give their interest for the choice of such as are recommended to them by their lawyers, and those who make that interest are for the most part men of low fortunes and desperate circumstances and want personal protection." (486, p. 338).

§ AFRICA.

The West
African
depend-
encies.

Although the title of the *Calendar of State Papers, Colonial Series* is qualified with the sub-title *America and West Indies*, there have always been included in the successive volumes some papers relating to the trade to West Africa and to the English forts and factories upon the coast. This was undoubtedly proper, for the affairs of the African dependencies were closely

associated with those of the Plantations and must be studied along with them. Englishmen had been at work in West Africa ever since the middle of the seventeenth century, and although their little factories there had no full and continuous correspondence with the Board of Trade and Plantations like those of the colonies in America and the West Indies, their story forms an essential part of our colonial history. Unfortunately the papers from Africa of the seventeenth and eighteenth centuries are widely scattered through the archives of the Board and of the Secretaries of State, and they have never been collected into a single series. Many of them are included among the Trade Papers of the Board which have not been abstracted in the Colonial Calendar, and only the *Journal* reveals that besides the comparatively few African papers that have been dealt with in successive volumes, because they came within the series of collected documents that were explored by the editors, there were others and probably in larger number. At a later date it is hoped to collect abstracts of all the extant documents in a volume of Addenda, but here we may mention some papers of the year 1731 as an illustration, although they have not been abstracted in this volume.

The Emperor
of Pawpaw
(Dahomey).

In May 1731 the Duke of Newcastle referred to the Board of Trade a petition received from a Mr. Bullfinch Lambe relating to his transactions with the Emperor of Pawpaw (or Dahomey) in Africa. (*Journal*, p. 198) Lambe was summoned to attend, and accordingly he appeared with a negro, called Captain Tom, who had been employed as his interpreter, and the surgeon of the African Company at their Cape Corse factory. (*Journal*, p. 199). The Emperor desired to enter into close relations with England, as Lambe set forth in his memorial, and the Board requested the African Company and the separate traders to the Coast to send representatives to give evidence on the subject (*Journal*, p. 199). There is considerable space devoted to the matter in the *Journal* (pp. 201-3, 215-7) and the Board prepared a letter and report for presentation to the Secretary of State and the King in July 1731 (p. 217) although they do not appear among our papers. They are to be found in an uncalendared section of the archives (C.O. 267/5), and they

illustrate the fact that English activities on the West Coast of Africa in the first part of the eighteenth century were more widespread than has sometimes been realised.

Again on July 22, 1731 a letter from Mr. Burchett, Secretary to the Lords Commissioners of the Admiralty, was read by the Board of Trade together with several papers relating to the forts and settlements on the coast of Africa (*Journal*, p. 221). Although they were considered by the Board in close connection with the disputes about the duties laid upon negroes in Jamaica, which have been referred to earlier in this Introduction, they do not appear among our abstracts. Until it is possible, therefore, to prepare the volume of Addenda that is projected, it is necessary for students to keep a watch upon the proceedings of the Board of Trade and Plantations as recorded in their *Journal* in order to obtain a comprehensive view of the evidence upon which they based their reports.

§ MISCELLANEOUS.

The spelling and punctuation of the period when written by trained officials in London do not differ greatly from modern practice: they had reached their norm, but some other correspondents had extraordinary ideas of orthography. "Councile" is an effective disguise at first sight for "council" (546), while "arbetry" seems to be an attempt to spell "arbitrary" phonetically (319 ii). Save for such occasional aberrations it is doubtful whether it is of much philological importance to reproduce the spelling and punctuation of the documents exactly. Capitalisation was very liberal at this period, but Mr. Headlam, by whom the original abstracts were made, did not reproduce all the many capitals so freely scattered through the documents. There is one expression that sounds inexplicable to modern ears and is probably a piece of military slang. Colonel Robert Hayes commanding one of the regiments sent from Jamaica wrote to his agent after his arrival at Port Royal "The affair of the blacks [i.e. the negro rebels] I took [?] look] upon to be quite a Bam, for I find nobody that has either seen

or felt them in a wrathful manner.” (249(b), p. 140). Another entry on one of the letters caused some doubt to Mr. Headlam when he abstracted the document. The letter (219) was written in London to the Secretary of the Board of Trade and marked with the usual triangular stamp “Penny Post Paid” with the word “Pidgeon” written above it. It seems improbable that this means that the letter was sent by carrier pigeon, and it may be suggested that the postman to whom it was given for delivery was named “Pidgeon,” but the question appears to be incapable of solution.

It is to be noted that, since the papers that are here calendared have been collected from two sources, the archives of the Secretary of State and those of the Board of Trade and Plantations, which were later united under one custody, there are two versions of each of the letters that were directed from the Board to the Secretary of State, and frequently vice versa. The original letters are now among the archives of their recipients, but before despatch their office of origin copied them into entry books of out-letters which have been preserved. As a general rule, Mr. Headlam abstracted the originals, but in certain cases he appears to have made his abstracts from the entry books, and it is well to make this point clear for the benefit of those who may wish to go behind the Calendar and consult the papers themselves.

ARTHUR PERCIVAL NEWTON.

COLONIAL PAPERS.

1731.

- Jan. 2. **1.** H.M. Warrant for appointment of Edward Bertie and John Hammerton, Secretary and Register of S. Carolina, for their lives and to be executed by them or sufficient Deputies, they having surrendered the grant of the said offices to them by the late Lords Proprietors *etc.* *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 36. pp. 253, 254 : and 324, 50. pp. 93, 94.]
- Jan. 3. **2.** Memorial of loss and damage (2704*l.* 2*s.* 2*d.* sterl.) sustained by Solomon and Elias de Paz of London, merchants, owners of the *Friendship* and cargo taken 24th Feb. 1728(9), off Jamaica, by two Spanish vessels, on her voyage from New England to Barbados *etc.* The *Friendship* was bought and fitted out in New England on their account. *Signed*, Elias de Paz. *Endorsed*, Recd. (from Elias de Paz) 22nd Jan., 1731. 1½ pp. *Enclosed*,
2. i-viii. Invoice, bill of lading and correspondence relating to foregoing. [C.O. 388, 93. Nos. 4, 4 i-viii.]
- Jan. 4. **3.** H.M. Warrant for using the new Seal of N. Carolina. St. James's. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 36. pp. 261, 262.]
- Jan. 7. **4.** Order of King in Council. Confirming Act of Jamaica St. James's. concerning the estate of Thomas King, deed. *Signed*, Temple Stanyan. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 1¼ pp. [C.O. 137, 19. ff. 87, 87v., 88v.]
- Jan. 7. **5.** Order of King in Council. Confirming Act of Antigua, St. James's. 1729, for cutting off the intail of lands formerly of John Bradshaw decd. and settling the same upon Francis Delap of Antigua, merchant, *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 1¾ pp. [C.O. 152, 19. ff. 63, 67v.]
- Jan. 11. **6.** Governor Belcher to the Duke of Newcastle. Since I Boston. had the honour of writing you last I have met the Assembly of this Province and after recommending to them what I thought needfull for H.M. honour and service, and their own good, and in a more especial manner pressing upon them H.M. 27th Instruction for fixing a salary on me and my successor I waited on them in a session of eighteen dayes, and finding they wou'd

1731. [6]

come to no amendments on the bill they had past before, I dissolv'd them, and inclose your Grace a Journal of the proceedings at this short session. I have issu'd writts for a new Assembly to meet the 10th of next mo. and hope there will be a change in the Assembly for the better advancing H.M. honour and service, and nothing in my power shall be wanting towards it. But should it be otherwise I think I have done but my duty in dissolving the late Assembly since they would come no nearer to the King's Instruction, *etc.* *Repeats recommendation of Mr. Sherburn for Lt. Gov. of N.H. v. Dec. 15, 1730.* On 24th Dec. received Additional Instruction of Sept. 26th for the better preservation of H.M. woods and issued Proclamations in both Provinces accordingly. *Continues* :—This day I receiv'd from Col. Dunbar H.M. Order in Council, 12th Nov., mentioning a representation that I was preparing a military expedition against Frederick's fort *etc.* *Continues* :—In this representation my Lord Duke there is not the shadow of truth, nor did I ever make the least attempt or preparation of that nature. Yet I am not at all surpriz'd that Col. Dunbar had the folly, and confidence as well as malice to make such a representation against me. Because I am lately told he has wrote many other palpable falshoods to do me all the hurt in his power, but if he would confine himself to truth I should not give myself any trouble about him: the ship by which this goes sails in the morning, that I shall not be able to send your Grace the necessary papers of a notorious riott committed by some people belonging to Frederick's fort on some of H.M. subjects of this Province, as also what I directed H.M. Lt. Govr. of this Province to do at Pemaquid upon a visitation I order'd him to make to all the fortifications of this Province. Another ship will sail in a few dayes by which I shall send these things for my justification, and which I believe will be to the intire satisfaction of H.M. and his Ministers, and convince your Grace with what injustice this gentleman has treated me. If he intends to take upon him the office of an informer upon all my actions, and then to present them in a false light, it will be giving your Grace and the rest of H.M. Ministers a vast deal of unnecessary trouble. I should be glad when he seeks to make any complaints against me for the future that he would serve me with a copy before he sends them away, then my answer might go in the same ship, and had he done so now, I presume there had been no occasion for H.M. order to me of 12th Nov., the matter on which it is founded being absolutely false. I ask pardon for giving your Grace so great an interruption from the vast affairs of Europe, that ingross your precious hours *etc.* *Signed, J. Belcher.*
4 pp. *Enclosed,*

6. i. Copy of proceedings of the General Court of the Massachusetts Bay, Sept., Oct., 1730, relating to a riot at New Harbour, near Pemaquid, in York County,

1731. [6. i]

upon the complaint of Josiah Grover against some Irish settlers, who seized him and his fishing schooner and company when he went to clear and settle some land there purchased by his ancestor, John Brown, from the Indians 15th July, 1625. He escaped to Boston and complains to the Governor, who instructed the Justices of York Town to enquire into the matter. Four Irishmen were apprehended at Pemaquid by the Sheriff and committed for trial at the next General Sessions. They acknowledged that they assisted in seizing Grover's schooner, and said that they had orders to do so from Alexander Hamilton, Captain of the Fort. When the Sheriff came near Pemaquid, he saw the colours flying at the fort, and being informed by some Irish people that they designed to resist him, he sent a message to the officer there that he came with authority to apprehend some criminals *etc.* and required his assistance, who answered that he would keep his fort and did not admit the Sheriff *etc.* The guns were loaded, but the messenger warned the officer that if he went on, they would every one be hanged. Upon which Hamilton said he would take advice with his Council, and went out of the fort, and the Sheriff entered without opposition *etc.* *Copy.* 11 pp.

6. ii, iii. Robert Auchmuty to Governor Belcher. Boston, 12th and 14th Dec., 1730. Gives his recollection of the conversation between the Governor, Col. Dunbar and himself at the Governor's house on 4th Oct., which was carried on with all the loyalty and harmony possible. No such words were used as that the King's Instructions signified nothing, or that the King had not an acre to the westward of St. Croix *etc.* *Signed,* Robt. Aukmuty. $3\frac{1}{4}$ pp. [C.O. 5, 898. Nos. 78, 78 i, ii.]

Jan. 12.
Whitehall.

7. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their report upon the petition of Lord Percival *etc.* for establishing a charitable Colony in S. Carolina, to consider the alteration proposed by petitioners, after hearing them thereupon *etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd., Read 13th Jan., 1731^o. $1\frac{1}{4}$ pp. *Enclosed,*

7. i. Alteration proposed by Petitioners in above report. In lieu of words *to lay before H.M. lists of all such officers under their Common Seal*, the words, Under their common Seal to constitute Courts of Record and other Courts to be held in H.M. name, and for the space of 21 years to appoint and displace all officers civil and military within the said district

1731.

together with such other powers as have been granted on the first establishment of Colonys. $1\frac{2}{3}$ pp. [C.O. 5, 362. ff. 11–12v., 18v.]

[Jan. 12]. **8.** Memorial of three Justices of Newfoundland to Governor Osborn. *Copy of C.S.P.* 1730, Sept. 25 *encl.* iv. *Signed*, Wm. Keen, Wm. Weston, A. Southmayd. *Endorsed*, Reed. (from Capt. Osborn), Read 12th Jan., 173 $\frac{9}{11}$. 1 p. [C.O. 194, 9. ff. 67, 68v.]

[Jan. 12]. **9.** Queries by Governor Osborn. To desier the opinion of Council touching the power of the Fishing Admirals in persuant to the Act of Parliament. Whether the Fishing Admiral's power and Civill Majestrates interfere in any respect, and wether the former have any power to send warrents to constables, comit to prison, or command the stock, or wether they ought not to be subordinate to the latter. Whether the Justices of Peace may not act in Newfoundland by the Statu laws of this Kingdom. Whether I have not the power of a Justice of Peace and sett at their Quarter Sessions, or other meetings by virtue of my commission. *Endorsed*, Reed., Read 12th Jan., 173 $\frac{9}{11}$. $\frac{1}{2}$ p. [C.O. 194, 9. ff. 70, 70v.]

Jan. 12. **10.** Mr. Popple to Mr. Fane. *Requests* his opinion upon Whitehall. the *preceding* Queries. *Encloses* Governor Osborn's copies of Commission and that given by him to Justices of the Peace. [C.O. 195, 7. pp. 254–256.]

Jan. 12. **11.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose copies of Governor Hunter's letter etc. 1st Oct., 1730. *Autograph signatures.* 1 p. *Enclosed.*

663. i. Extracts referred to in preceding. [C.O. 137, 47. ff. 79–85; and (without enclosure) 138, 17. p. 307.]

Jan. 12. **12.** Col. Dunbar to Mr. Popple. *Refers* to former letters. Boston. *Continues* :—As to my disputes with the New Engl'd. people I hope I shall be justified; if ever any body was among them without disputes, I will own myself in the fault and submit to be sacrificed to their resentment; since their Committee was at Fredericksfort I have been threatened with many actions of trespass, and even high treason for building a fort and hoisting the King's colours, wch. they themselves prostitute at their little pallisadoed truck houses to exchange rum, molasses, and tobacco etc. with the Indians; I landed here the 10th instant haveing been 12 days in my passage from Fredericksfort; I was in great danger by islands of ice in the river of Kennebeck, but I was obliged to go into that river to stop some saw mills there who were destroying a fine swamp of pine trees near ye water upon lands wch. I have reserved for the Royal Navy in

1731. [12]

case the Proprietors or claimts. are disallow'd by H.M. *etc.* I could not avoyd makeing some appointments of lands within 10 miles of the fort, where people are clearing ye woods, and converting the timber, wch. is oak, birch, ash, maple and popple, to ship timber, cord wood, and for pottash, and in order to plant corn, garden seeds, hemp and flax in the spring, if I had not done so, of course all would have dispersed, and would never be induced to return, so that New England would boast of a victory, than which nothing could be a greater mortification to me; I have not presumed to make any grant, or exercise any sort of jurisdiction, tho' many applications have been frequently made to me in small cases, as a Governour or Majestrate; I dare not have refused hearing ye partys, then gave my opinion, complaining it was hard upon me, haveing no assistce. to be troubled with little disputes, and desired they might either defer matters or agree among themselves until majestrates could be appointed, and thus I have satisfied the people, and kept them together, but if after all, they must quit and loose their labour, many familys will be undone, and I the unhappy occasion of their misery, as I am at this time of my own ruine and my familys by my zeal and perseverance to promote this settlement, because I am convinced beyond all doubt that it will be very considerable and satisfactory to H.M.; I send to my Lords Commissioners a smal parcel of hemp and flax, the produce of new ground at Fredericksfort of this year and from New England seed, the seed wch. I had from Dantzick by way of London, being treacherously kept concealed until the season was over; I wish I had a fund to send for some of each this year, and for two or more potash makers to Poland or Russia. I think I could promise to serve England with those commoditys in return for their manufacturys without bringing away any of their mony, it is seldome any poor man's scheme is worth anything, however hints may be usefull to great ones; I ought to be sufficiently discouraged as no notice is ever taken from any of the Offices of my letters, yet I live in hopes, wch. onely supports my spirits. These small samples of hemp and flax, are not in such perfection as they would be had I been at the place in time; ye person I chiefly depended upon to pull and dress them went away being discouraged by common reports, an Irishwoman pulled, water-rotted and dressed the flax, and the hemp was in the grownd when I arrived there in the end of October, so that it was dew-rotted and even frozen as it stood, the man who dressed it as you see it, has made ropes and geer for cattle and carriages of some of it, and assures me it is very strong, and undertakes to make it of as fine a colour as flax next year, he tells me ye hemp here will be finer than any European and has a good deal of the soft nature of flax *etc.* From Kennebeck I went to Casco, where there is onely one loading of masts provideing this year, the

1731. [12]

rest being contracted for at Piscatua, weh. I am glad of in respect to the Province of New Hampshire who are generally a loyal good sort of people ; I went to ye undertakers house for ye contract, and shewed him the orders I reed. to prevent logging, he insisted on his right not to be interrupted, and alledgd that he logged on his own private property *etc.* *Refers to enclosed letters which passed between them.* *Continues* :—Near his house weh. is built in the woods and upon grownd cleared within three years past, are five new mills each saw can cut 5 and sometimes 6000 feet of pine boards in 24 hours, he told me if I sho'd stop his mills it would be ten pounds pr. diem damage ; the lands about Caseo are generally called private property, and not one owner of a mill there but was pleased with the easy proposal I made them to prove their property. I hope I am not blameable for this condeseention, and besides I am of opinion yt. few or none of them will be deemed good ; some shewed me their titles weh. were patents passed by Sir Edmd. Andros in 1688, wherein are reserves of wheat and mony to the Crown as an annual quit-rent, when I took notice of those reservations, and sayd I would acquaint H.M. therewith, they then disdained those titles, and sayd they did not esteem them, for that they had some old titles from Sir Ferdinando Gorge and Indian deeds ; I asked why they would produce Sir Edmond Andros's pats. to me, they replyed because they seemed best to the eye, but that it was an imposition of his to extort mony from the people. Upon enquiry I find there are very many of those patents, and all register'd, and if no quit-rent has been received since, weh. is payable to H.M. or His Capt. Genll. of the Masachusets, it will amount to a considerable sum, and may easily be recovered after a reform in this Governmt., weh. I hope is now upon the anvil. What I am now speaking of is in the large county of York, formerly called the Province of Maine, 90 miles along the sea coast and backwards to ye South Sea in the original grant ; My Lords Commrs. may think that country is settled and peopled, whereas 20 miles in length and halfe so much in width would be sufficient for them ; there is yet onely one line of towns layd out there and they extend all along the shore and onely eight miles backwards into the country, thus many many millions of aeres lye wast, whilst these gentry are opposeing H.M. to make other parts usefull to the Crowne ; if such matters are not represented home, no remedy can ever be applyed ; this country not content with all this ; do elaim most part of Nova Seotia ; it is this stragling manner of settlement has (with their natural ill treatment of all persons) allways exposed them to the insults of the Indians, which (besides many poor souls cutt off), has cost them a great many thousand pounds, and all might have been prevented by gentle usage and some small present yearly to the poor natives, who, unprovoked, seem a good natured people ; I herewith

1731. [12]

send you a complaint from a Jesuit at one of their tribes settlement., to whom I wrote in English hearing he was an Irish or Scotchman ; I hope by his influence to secure the friendship of his tribe. *Acknowledges* receipt of H.M. Additional Instruction for giving his share of the penalties upon loggers to informers. Will endeavour to prevent any abuse of that indulgence *etc.* *Continues* :—I likewise received (Sunday, 10th Jan.) an office packet for Governour Belcher, with which I went to wait upon him, and he being engaged at dutys (as they call them) I sent it by a gentleman on Monday morning, and wrote to him that some reasons to which he was no stranger prevented my waiting upon him, one of wch. was, the threats of the mobb *etc.* *Encloses* his answer, (encl. i). *Continues* :—It is wonderfull how this great man and generally his countrymen can act and say, and deny both. His behaviour and useage of me is beyond my imagination, and tho' to my face he denyed many things, I could prove them by many wittnesses, his last stroke is most provokeing of all, he has given out here that I was a spy in Spain and was so here now upon him and the country. I hope as he is not comeatable here my Lords will think I ought to have some satisfaction for so gross an abuse, one consequence of it had likely to have fallen lately upon Capt. Protheroe, Commander of ye Station ship, who walking in ye street, a man enquired of another who he was, answer was made, Collo. Dunbar, whereupon one replied God d—n him lett us mobb him, but being undeceived, the Capt. escaped ; I came onely hither to attend the Courts upon account of the expences I was unawares drawn into last year at Fredericksfort, and here mett the additional trouble of the return of 500*l.* sterl. bills drawn by me on my groweing sallary wch. are protested. I intend in a few days to New Hampshire and into the woods, and to send one of my Deputys to remain at Casco. You no doubt have all the proceedings of this Great and General Court transmitted by his Excy. to my Lords, no Governour was ever more hated than he, and notwithstanding any assurances he may give to the Ministry of succeeding in getting a fixed sallary from the new Assembly, everybody tells me it never will be given to him, and his pretences are onely to spin out time, and keep the affair out of Parliament. I am even told that the country have soe great an abhorrence of him for betraying them (as they call it) that many of the first rank are upon an Address to H.M. to give them any other Governr. and they will comply with the Instructn. His chief Councilour and favourite is the famous incendiary Dr. Cook, whose character is known at home, and both the Govr. and Doctor irreconcilable enemys to ye Dudley family who are reputed ye chiefs of this country ; they were allways for the sallary and the favourite Cook ever against it, wch. seems unaccountable that a Governour is in earnest, and caresses the man, who is at

1731.

[12]

the head of his opposers. My Lords have heard of Govr. Wentworth's death of New Hampshire, he was a worthy honest gentleman, and is much lamented by the country, it is worth nothing to be Leiut. Governour, who has no sallary but 200*l.* this country mony, which all chief Governours before Mr. Belcher gave out of their 200*l.* ster*l.*, and he would not give a shilling, nor is that small province able to give any; they are apprehensive that Mr. Belcher has recommended one Mr. Waldron to be Lt. Govr., who was Clerk to the Council, and is so now and yet is made a Councillour and a Judge by Mr. Belcher, who has made great changes there, heavy upon gentlemen who were putt in by Mr. Shute and Mr. Burnet for their dutyfull and cheerfull compliyanee wth. ye Royal instructions. Mr. George Jaffrey is one of them, he is of the Council, was one of the Judges, and Treasurer of the Province, and Vice-judge of the Admiralty, he is a man of good sense, fortune and figure, and much the fittest to command that Provincce, I believe he would accept of it, tho' I really do not know, but this I am sure that no man there is more disaggreable to the King's friends than Mr. Waldron. I was exceedingly surprised upon my arrival here two days agoe to hear that Govr. Belcher had closetted Mr. Auchmuty the Advocate General and prevailed upon him to give a strange turn and construction to the conference he was wittness to, weh. I gave my Lords an account of by my brother. I taxed the Advocate Genll. with it who swore to me it was false, and that he omitted nothing but the Governour's telling me of sending down 500 men to dismantle the fort and take the people prisoners, he promised to send me a copy of what he gave Mr. Belcher, and to add that circumstance to it, weh. he sayd had escaped his memory, but I rather take it he did it out of complent. to His Excellency. Mr. Auchmuty has told ye story as I related it to my Lords Commrs., in twenty places in this town *etc.* *Continues* :—I am informed that many heads here are now at work plodding against me. I defye all the world whilst they stick to truth, but they would do anything to have me removed *etc.* I am this moment told that there is a Council sitting upon the report of the tryal of the four poor men, brought from near Fredericksfort by order of this General Court fr. the High Sheriffe of the county of York in October last, it is sayd they are convicted but I am not able to learn for what crime *etc.* I told you formerly they had onely stoped a sloop from taking away some staves cutt by themselves. The Governour wanted to try them for piracy. Pray Sir, Lay this before my Lords *etc.* *Signed*, David Dunbar. *Endorsed*, Reed. 16th Mareh, Read 13th Oct., 1731. *Holograph.* 14 pp. *Enclosed*,

12. i. Governor Belcher to Col. Dunbar. Boston, Jan, 12, 173^o₁. *Acknowledges* packet. "If you had inclined to have come with it yourself, I am a stranger to any

1731.

[12. i]

reasons why you did not *etc.*" Does not believe he is in the least danger from the mob, and would protect him, if there should be any appearance of that *etc.* Signed, J. Belcher. *Endorsed as preceding.* 1 p.

12. ii. Jacques Siresme, Jesuit Priest among the Abnauquis, to Col. Dunbar. 30th Dec. (N.S.), 1730. *Acknowledges* letter and looks forward to visiting him in the spring. Does not understand English. Is surprised that he makes no mention of religion *etc.* Signed, Jacques Siresme, Jesuite *etc.* Two letters, one in Latin, one in French. *The whole endorsed as preceding.* 2 pp.

12. iii. Robert Auchmuty to Col. Dunbar. Boston, 26th Jan. 1730. Makes good the omission in his account of the conference between Col. Dunbar and Governour Belcher, as described in covering letter. Signed, Robt. Auchmuty. $1\frac{3}{4}$ pp.

12. iv. Boston Gazette, Oct. 12th, 1730. Numb. 567. With a notice of Col. Dunbar that he has warned the people he found cutting white pine trees in Sheepscot or Sheepsgut river that he had included that place among the 300,000 acres of timber to be reserved in Nova Scotia for trees for the Royal Navy *etc.* Printed. 2 pp.

12. v. Major Cope to Jerr. Dunbar. Boston, 27th Jan., 1730. The chief occasion of Governor Philips' ordering me to this place was the prospect of engaging severall French Protestant families, to goe (agreable to their own propositions) and settle in Nova Scotia, being disapointed in that view, shall return to Annapolis Royall, not well pleas'd " *etc.* Comments on the two letters (encl. i and iii) which have come to his hands *etc.* The latter shows that the conversation between Col. Dunbar and Governor Belcher amounted to the full to what the former wrote Col. Tayler on 12th Nov. (v. C.S.P. 17th Nov.), 1730 *etc.* Signed, Hen. Cope. *Holograph.* 3 pp.

12. vi. Copy of correspondence between Col. Dunbar and Lt. Gov. Tailer. v. C.S.P. 17th Nov., 1730. 4 pp. Enclosures iii-vi, endorsed as covering letter. [C.O. 217, 6. ff. 39-46, 47, 48, 48v., 49v., 50v.-54, 55-56v., 57v.]

Other enclosures in preceding covering letter :—

[Jan. 12]. 12. vii. Col. Dunbar to Mr. Westbrook. Casco, Jan, 7, 1730 (1731). *Reply to following.*

"You desire me to shew you and your workmen such trees as we have remarked fit for H.M. use. That wood be an employment for us all and of course neglect our duttyes in other parts " *etc.* But will appoint a deputy to attend him, though it is contrary to what

1731. [12. vii]
 he objected last year. "My brother was with you great part of that winter and has yr. letter by way of certificate how effectually he prevented the destruction of the timber on Saco River, which I find you have forgot" *etc.* *Signed*, David Dunbar. *Endorsed*, Reed. 16th March, Read 13th Oct., 1731. 3 pp.
- [Jan. 12]. 12. viii. Col. Westbrook to Col. Dunbar. 6th June [*sic*], 173 $\frac{2}{3}$. Desires his assistance, according to Instructions, in selecting trees for the Navy under Ralph Gulston's contract. Much timber up Saco River was cut and destroyed last fall by permission of his deputy. "But behold when yr. brother come to inform you of it no man like him to be employed in them parts to take care of ye King's interest *etc.* I have great reason to beleive you have continued this officer of yrs. with some private veiws to damnify my interest and intercept Mr. Gulston in his complying with his contract *etc.* *Signed*, Tho. Westbrook. *Endorsed as preceding*. *Addressed*. 1 p. [C.O. 5, 873. ff. 139-140v., 143, 143v.]
- [Jan. 12]. 12. ix. Thomas Westbrook to Col. Dunbar. Scarborough. 23rd Feb., 17 $\frac{2}{3}$. Reports rumour of his death. His brother came in the nick of time to save the timber at Saco Falls, "which I inform you of when I was in Boston. Saveing some trees which was cut about two months afore we got there, and just as we got there. There was six teams going up in the road and some of them had just begun to fall and had fallen 10 or 11 trees which your brother markt" *etc.* *Signed*, Tho. Westbrook. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 873. ff. 142, 142v.]
- Jan. 13. **13.** Governor Belcher to the Council of Trade and
 Boston. Plantations. *Repeats* gists of covering letter, Jan. 11th, and refers to those enclosures. *Adds* :—These things, my Lords, are the whole of what I have ever done respecting Frederick's Fort *etc.*, and how was it possible for me to do less? I inclose your Lordships a memorial I deliver'd into H.M. Secretary of State the 15th May last, in answer to which I should have been very glad of some orders or directions for my conduct, but never receiv'd a word of answer till his Majesty's order in Council of 12th Novr. last. According to the clause of the Charter cited in my memorial these lands My Lords are doubtless a part of this Province, and agreeable thereto your Lordships will find in H.M. Commission to me these words, "And the lands lying between the said territory of Nova Scotia, and the Province of Main." Quotes Commission to show that it makes the Charter "the great rule of my Government" *etc.* *Continues* :—How dare I then disobey H.M. or betray the trust he has repos'd

1731.

[13]

in me by refusing a legal protection to his good subjects, when they apply to me. These rioters, My Lords, have been since legally convicted in H.M. Courts, and must doubtless undergo the penalties of the law for such a breach of H.M. peace, and so notorious an assault and riot committed upon the property, and liberty of H.M. good subjects. I am here, my Lords, H.M. Govr. to see a good execution of all his wholesome laws for the safety of his subjects under my care in their lives and estates, and to this end I will endeavour carefully to use the power the King has delegated to me in his Royal Commission *etc.* *Continues* :—It is false in Col. Dunbar to say, No private persons have hitherto set up any claim on those lands, because there have been a great many claims made, and are made daily, and the people that claim think they have a just right (tho' not by any grant of this Province) and one of the men whom Coll. Dunbar's people rioted and assaulted has a claim there descended down to him for 105 years past as may be seen in his complaint against these notorious rioters. My Lords, every man's private property is his life, and I can't answer for people's giving away what they think their own. But for the right of this government to those lands according to the Royal Charter. Had Coll. Dunbar wisely manag'd about 'em I think I should have had influence enough with this Assembly to have made a cession of their right to the Crown : and it was always my opinion that it wou'd be greatly to the advantage of this Province, that the Crown should settle those lands. Yet *etc.* I know not how to answer those that say, The Crown has always supposed these lands to be a part of this Province, or why have the Govrs. of the Massachussetts been ordered from time to time to insist with the Assemblies to rebuild the Fort at Pemaquid. They say why have not the Governours of New Hampshire and Nova Scotia had those Instructions, and again the King has directed the choice of a Councillour in the Royal Charter to be chosen on account of those lands, and who of course becomes one of the Legislators of H.M. Province of the Massachusetts Bay, and without such a Councillour the present Constitution cannot subsist. My Lords, I should be glad, I say, to be instructed how to answer these things *etc.* *Concludes* :—I am tired of writing as I fear your Lordships will be of reading, yet I must not be so vilely tradue'd and not answer for myself ; I am an honest man, and hope ever to appear so. Nor cou'd I possibly have done more from my arrival to this day, than I have, in support of H.M. Dominions as well as for the welfare of the Provinces under my care *etc.* *Signed*, J. Belcher. *Endorsed*, Recd. 23rd Feb., Read 9th June, 1731. 7 $\frac{3}{4}$ pp. *Enclosed*,

13. i. Memorial of Governor Belcher to the King. 15th May, 1730. Has received accounts from New England that Col. Dunbar hath made settlements on lands

1731. [13. i]

lying between the River of Sagadehock and the Gulph of St. Lawrence, which the Province of the Massachusetts Bay apprehend to be part of the lands of that Province and not to be alienated but by grant from them according to the Royal Charter *etc. quoted.* Asks for plenary instructions how to conduct himself in this affair, and that Col. Dunbar may in the mean time be directed to withdraw from those lands, and forbear any further proceedings, till the right be fully determined *etc. Signed, J. Belcher. Endorsed, Recd. 23rd Feb. 1730.* *Copy. 2 pp.*

13. ii. Proclamation by Governor Belcher. Boston, 29th Dec., 1730. For preventing the destruction of the woods in the Massachusetts Bay, and publishing H.M. Additional Instruction relating thereto, 26th Sept., 1730. *Signed, J. Belcher. Endorsed as preceding. Printed by B. Green. 1 p. [C.O. 5, 872. ff. 170-175v., 176v.-177v., 178v.-179v. (with abstract).]*

Jan. 13. **14.** John Southall to the Duke of Newcastle. Encloses following scheme, "wch. I hope may be of advantage to H.M. Island Jamaica and to Great Britain, and as the same may be put in execution without expence to any and can't but prove of profit and advantage to all, I wish it may meet with approbation" *etc.* Offers to give further explanations and to "make a draught of the island to show where and how long each road ought to be" *etc. Signed, Jno. Southall, living at the green posts in the green walk near ye faulcon Southwark. $\frac{3}{4}$ large p. Enclosed,*

14. i. Some considerations on the present state of the Island Jamaica, 1st In regard to its imminent danger from the slaves in rebellion, 2dly in regard to that island's past and present very great scarcity of provisions. *Proposes* the construction of roads, every inhabitant supplying his every sixth negro for that purpose *etc.* The rebel negroes would then have to surrender, and, amounting to 10,000 could be sold at 20*l.* a head to pay expences and for maintaining forts *etc.* The mountainous woods at present occupied by the negroes or unoccupied would then supply abundance of game and provisions. Also it is well known there have been veins of gold and silver ore found in the blew mountains, which the dread of the negroes alone prevents being explored *etc. 2 $\frac{3}{4}$ large pp. [C.O. 137, 53. ff. 297-298v.]*

Jan. 14. **15.** Council of Trade and Plantations to the Committee of Privy Council. *Reply to Order of 12th instant referring back report of Dec. 17th.* We do not apprehend any great inconven-

1731. [15]

ience that can arise to the publick, if H.M. should be graciously pleased to allow the petitioners *under their common seal to constitute Courts of Record and other Courts to be held in H.M. name and for the space of 21 years to appoint and displace all officers civil and military within the said district.* But the last words in the alteration proposed by them being too general vizt., *together with such other powers as have been granted on the first establishment of Colonies,* we propose to add in the stead thereof the following words, *together with such other powers as may be necessary for the support and defence of the said Colony.* [C.O. 5, 401. pp. 15, 16.]

Jan. 14. **16.** Governor Belcher to the Duke of Newcastle. *Refers* to letter of 11th Jan. *Continues* :—My worthy friend and agent Mr. John Caswall will deliver this into your Grace's hands, to whom I have sent all the papers referr'd to in my last to be deliver'd to your Grace, whch you'll please to order him to attend you with them *etc.* (v 11th Jan.). *Continues* :—These things are the whole of what I have ever done respecting Frederick's Fort *etc.* *Continues* : You'll find among these papers the copy of a memorial I made to the King and deliver'd into your Grace's hands when I had the honour to take leave of your Grace at Newcastle House, 15 May last, to which I should have been glad of an answer. But never reciev'd one word till H.M. order of 12th Nov. last came to my hands. In that Memorial your Grace will find cited a clause of the Royal Charter of this Province, making the lands at Pemaquid a part of this Province, and agreeable thereto they are contain'd in H.M. royal commission to me for this Government. *Quotes from* Commission directing him to act according to the Charter. *Continues* :—How dare I then disobey H.M. *etc.* by refusing a legal protection to his good subjects when they apply to me for it. These riotters have been since legally convicted in H.M. Courts, and must doubtless undergo the penalties of the law for the breach of H.M. peace, and so notorious an assault and riott *etc.* As H.M. Governor he will see a good execution of his laws *etc.* *Continues* :—Nothing can appear more false than Collo. Dunbar's saying I was preparing a military expedition against Frederick's Fort *etc.*, nor did anything like it ever enter into my thoughts. It is also false in him to say no private persons have hitherto set up any claim to those lands, because there have been a great many claims made and are made daily, and the people that claim think they have a just right (tho' not by any grant of this Province) and one of the men whom Collo. Dunbar's people riotted and assaulted has a claim there descended down to him for 105 years *etc.* v. 11th Jan. [encl. i]. *Continues* :—Every man's property is his life, and I can't answer for people's giving away what they think their own, but for the right of this Government to those lands according to the Royal

1731. [16]

Charter. Had Collo. Dunbar wisely manag'd about them I think I should have had influence enough with this Assembly to have made a cession of their right to the Crown, and it was always my opinion that it would be greatly to the advantage of this Province, that the Crown should settle those lands. Yet *etc.*, I know not how to answer those that say, the Crown has always supposed those lands to be a part of this Province, or why have the Governours of the Massachusetts been ordered from time to time to insist with the Assemblies to rebuild the fort at Pemaquid, they say, why have not the Governours of New Hampshire and Nova Scotia had those Instructions, and again the King has directed the choice of a Councillour in the Royal Charter to be chosen, on account of those lands, and who of course becomes one of the legislators of H.M. Province of the Massachusetts Bay, and without such a Councillour the present Constitution cannot subsist. My Lord Duke, I should be glad I say to be instructed how to answer these things. But that Gentleman has made himself so obnoxious to this countrey in general, that I can attempt nothing with hopes of success, where he has any concern. I humbly beg of your Grace, that at no time any complaint may take effect to my prejudice till I have time to make answer thereto for as it is the undoubted right of the meanest Englishman to be heard upon any accusation, much more must it be the right of the King's Govr. whom H.M. in his royal Instructions is pleas'd to call the representative of his own person here. And I think Collo. Dunbar ought to observe a decency to a Gentleman who has the honour to bear so great a Commission from the King, yet I shall in my next show to your Grace how rude he has been on this head. I believe a short time will discover how little prudence he has, and consequently of how little service he can be to the Crown, in bringing forward the designed settlements. I hope always My Lord Duke, to maintain the character of an honest man, and I must assure your Grace it has been impossible for me to do more from my arrival to this day, than I have in support of H.M. honour and dignity, and for the interest of his British Dominions, as well as for the Provinces under my care *etc.* Signed, J. Belcher. Endorsed, R. 19th March. 5 pp. [C.O. 5, 898. No. 79.]

Jan. 16.
Barbados.

17. Governor Worsley to the Council of Plantations. *Encloses following* :—Is not able to send the Treasurer's account of the 2s. 6d. levy of 1730, he not having made up his account which does not end till the 19th instant. *Continues* :—Your Lordships will observe in my Speech to the Council and Assembly I gave them a hint of finding some expedient at this present juncture in relation to the payment of the arrears due to H.M. upon the 2s. 6d. levy, what I have mentioned to some particular Gentlemen is that they would pass a bill in the preamble of

1731.

[17]

which they might make their submission to H.M. on account of their past faults, and to oblige those persons to pay their levy for the two last years who have not done it, and to have prayed H.M. to remit the fines and forfeitures that have been incurred. Tho I could not nor did not propose to pass such a bill yet I could have transmitted it home for H.M. most gracious commands thereon, and if H.M. would have been pleased to have remitted the fines and forfeitures and to have allowed me to pass it, I believe it would have made the whole island easy tho' most of the Assembly as I am told are convinced that what they have done is erroneous yet dare not make use of this expedient for fear of the people, who would then see they have been deluded ; unless they were ordered so to do, however they are so unaccountable in their conduct that I can be certain of nothing tho ever so just and reasonable to be done. *Signed*, Henry Worsley. *Endorsed*, Reed. 18th March, Read 20th May, 1731. 3 pp. *Enclosed*,

17. i. List of persons who did pay the 2s. 6d. levy for 1729, By parishes. Total received, 1866l. 1s. 8d. *Signed*, George Plaxton, Treasr. *Endorsed as preceding*. 41 pp.

17. ii. List of persons who did not pay the 2s. 6d. levy for 1729. By parishes. *Same endorsement*. 44½ pp. [C.O. 28, 21. ff. 162–163v., 165–185v., 187–209v.]; and (duplicates of enclosures i, ii), 28, 40. Nos. 11, 12.]

Jan. 16.
Barbados.

18. Governor Worsley to the Council of Trade and Plantations. Duplicate of 2nd letter to Duke of Newcastle following (p. 6), *mutatis mutandis*. *Signed and endorsed as preceding covering letter*. 3 pp. *Enclosed*,

18. i. Journal of Assembly of Barbados, 15th Jan., 1730. *Same endorsement*. *Copy*. 3 pp.

18. ii. Duplicate of encl. iii 2nd letter to D. of N. following.

18. iii. Deposition of William Sims, 15th Jan., 1731. *Corroborates preceding*. *Signed*, Wm. Sims, *Same endorsement*. *Copy*. 1½ pp. [C.O. 28, 21. ff. 210–214, 215v.–216v., 217v.]

Jan. 16.
Barbados.

19. Governor Worsley to the Duke of Newcastle. As I have allways endeavour'd to protect and countenance H.M. Patent Officers and their Deputies in this Island, I am sorry I should have any occasion of complaining to your Grace against any one of them especially Messrs. Reynolds the Provost Marshall whose Patent three years ago was struck at by the complaints that were made to me against their Deputy by the same party, that they are now endeavouring to serve, and had I not then conducted it, as I did, perhaps it would not have been in the Patentees power now to have acted as they of late have by putting in such Deputys, as I apprehend cannot be for H.M.

1731.

[19]

service, in that they have been supported, and recommended to them by those, who have opposed the payment of H.M. tax here, and have said, as I am informed, they would have officers of their own. *Refers to enclosures. Continues* :—I find Capt. Kennedy has discover'd in England, what I have a long time suspected here ; the persons they have deputed, are Mr. George Gascoigne and upon his death, or absence or disability of acting Mr. Thomas Granger, who is at present Deputy Clerk of the General Assembly, and therefore a most improper person for that office. Mr. Gascoigne did not pay H.M. tax the year before the last, as your Grace will see by authentick copys of the Treasurer's account, *enclosed*, and the last year he did not give in number of his negroes *etc.* Their design is to get all the Deputy's to the Patent Officers, and I am told are now endeavouring to prevail with Mr. Whitworth to appoint a Deputy Secretary in the room of Mr. Webster. Upon the perusal of the above-mentioned letters, your Grace will observe the artifices that are made use of to make me uneasy in my Government. Mr. Ashley's mandamus not being come according to his expectation, and as he gave out it would, has much disappointed the party who opposed the payment of H.M. tax, and I can't help mentioning to your Grace that several Gentlemen upon that occasion have said, that if mandamus's come to those who oppose the paying H.M. tax, what must we do then. With this your Grace will receive a list of those persons names, who ought to have paid the 2s. 6d. levy the year 1729 but did not, as also the late Treasurer's account for the said levy for the same year, in which are particularly mentioned the names of those persons of every parish, who did pay *etc.* *Continues* :—Whether Mr. Ashley has paid since, I cannot tell, in that the present Treasurer has not made up the last year's account, but if he has it is probably to avoid paying the penalty, because Mr. Cornor one of the then Assembly-men for St. Phillips parish had returned him as a defaulter. H.M. Council here having rejected the Assembly's bill appointing Messrs. Forster, and Leheup their Agents, the Gentlemen of the Assembly and others have agreed as I am informed to fix them their Agents, and by voluntary contribution have raised the same sallary, as was appointed by the said bill, and Mr. Peers their Speaker to correspond with them and have left it to Mr. Leheup, that whether he appears, or does not appear publicly, as one of their Agents, as he shall judge it most for their interest, the Gentlemen concerned will look on him, as one, and make their acknowledgments accordingly to him. *Concludes as preceding first letter to Council of Trade. Signed, Henry Worsley. 7 pp. Enclosed,*

19. i. Messrs. Reynolds to Governor Worsley. Gerard Street, Oct. 5. *Acknowledge* letters in favour of Mr. William Kennedy. To oblige him, they promised to

1731. [19. i]

renew his deputations for another year, upon the same security. But his recent letters proposing no security, they have appointed George Gascoigne and Thomas Granger to be their deputy, whom they recommend to H. E.'s favour and countenance *etc.* *Signed*, Thos. Reynolds, Cha. Reynolds. *Copy.* 1 $\frac{3}{4}$ large pp.

19. ii. Capt. Kennedy to [? W. Kennedy]. London, Oct. 23, 1730. Reynolds is a very artful man, and has no doubt put his refusal to depute upon your not giving him security, which is absolutely false, "for I offer'd him unquestionable security here" *etc.* *Continues* :—The true secret of this affair is his friends in Barbadoes had a mind to have another Provost Marshall in pure spite to the Governor *etc.*, and he was thoroughly disposed to gratify them in anything that could chagrin Mr. Worsley, they have been continuing this for some time but he never durst venture to put this in execution till now he finds an universal disposition in the people against the Governor who he thinks may be soon recalled and that he is safe in joining with the multitude" *etc.* *Signed*, D. Kennedy. *Copy.* 1 $\frac{1}{4}$ pp. [C.O. 28, 45. ff. 165–170v.; and (duplicates of encl. i and ii), 87–88v.]

Jan. 16.
Barbados.

20. Governor Worsley to the Duke of Newcastle. Since the sealing of a letter to your Grace this morning, I have received an authentick copy of the Minutes of Assembly of yesterday, tho' I must observe there was but twelve of the twenty-two members present. What is mentioned in their second motion, is in relation to a late election for a vestry for St. Phillips parish, betwixt Mr. Weeks one of H.M. Council here, and Mr. Ashley *etc.* (v. encl. i). *Continues* :—The law of elections for Assemblymen, and Vestrymen obliges all the voters to take the oaths appointed to be taken instead of the oaths of Allegiance and Supremacy. Mr. Ashley and Mr. Culpeper brought one Coupman a Roman Catholick to vote, Mr. Weekes insisted upon his taking all the present State oaths, Mr. Ashley affirmed that by the law of elections he was obliged to take the oaths appointed to be taken instead of the oaths of Allegiance and Supremacy. Mr. Weekes refused the said Coupman to vote, and Mr. Culpeper another of the candidates of the same side with Mr. Ashley has preferred a petition *etc.* (encl. i), which is to be heard in Council. This law of election was made in Mr. Cox's presidentship, and if the oaths, the voters are to take, do not extend to the abjuration, and the test, the said oaths were appointed to let in Roman Catholicks, and others to vote at the said elections. The affidavit I have inclosed *etc.*, will set this matter in its true light *etc.* *Signed*, Henry Worsley. 3 pp. *Enclosed*,

1731.

20. i. Petition of George Culpeper to Governor Worsley. Petitioner stood as a candidate at the late election of Vestrymen for St. Phillips' parish, at which the Honble. Ralph Weeks took the poll as Sheriff. He repeated the votes of several duly qualified freeholders, whereby petitioner was not returned. *Prays* that the case may be heard by the Governor and Council *etc.* 1 p.
20. ii. Deposition of William Sims of St. Michael's parish. 16th Jan., 1731. *Describes* the incident of Henry Copman refusing to take the Abjuration oath in order to be allowed to vote, referred to in preceding. *Signed*, Wm. Sims. *Copy.* 1 $\frac{3}{4}$ pp.
20. iii. Deposition of Samson Wood. 15th Jan., 1730 (1). To same effect as preceding. *Signed*, Samn. Wood. 1 p. [*C.O.* 28, 45. *ff.* 171, 173-175v., 177.]

Jan. 19. **21.** Deposition of Thomas Pickenden, Commander of the ship *New Hampshire*. Whilst he was at Falmouth, N. H., some of Col. Dunbar's men seized a sloop near Pemmaquid (where Col. Dunbar was about making settlements), which was about to load some staves, and threatened to shoot the master if he made any opposition. The master proceeded to Boston for justice. The Governor ordered the Justices of York in the Province of Maine to take such measures as they thought best *etc.* They ordered the Sheriff, Major Moulton, to arrest Dunbar's lieutenant. On Oct. 8th last the said Sheriff of York with some men under his command on board a sloop bound for Pemmaquid put in by contrary winds to Caseo Bay. Deponent was assured there was not any intent or order to drive off the people which Coll. Dunbar had settled there, and that those people had given out they would be the death of Moulton if he came to Pemaquid or their settlement. *Signed*, Thos. Pickenden. *Copy.* 1 $\frac{3}{4}$ pp. [*C.O.* 5, 10. *No.* 40.]
Endorsed, Reed. (from Mr. Wilkes) 27th, Read 28th Jan., 1731^o. 2 pp. [*C.O.* 5, 10. *No.* 40; and 5, 872. *ff.* 12, 12v., 13v.]

Jan. 19. **22.** Mr. Stanyan to Mr. Popple. The meeting of the Council Office. Committee of Council, to examine into the petitions of the Sugar Islands and Northern Colonies *etc.*, at which the Lords Commissioners for Trade *etc.* have been desired to be present, is put off from 21st to the 25th *etc.* *Signed*, Temple Stanyan. *Endorsed*, Reed. 19th, Read 20th, Jan. 1731^o. 1 p. [*C.O.* 28, 21. *ff.* 148, 149v.]

Jan. 20. **23.** Governor Belcher to Mr. Delafaye. This comes full of respect and service to Mr. Delafaye and to ask pardon for not saluting you from hence long before this, and for the freedom

1731. [23]

I take in doing it now. The publick affairs of both Governments have ingrost me from my arrival *etc.* The people received him with all the respect and honour they could possibly pay to the King's Commission. *Continues* :—The Governor and the people differ at present in nothing, but as to the manner of the Governour's support *etc.* *Repeats gist of parts of Jan. 11th and 14th. Signed, J. Belcher. Endorsed, R. Mar. 19th. 2½ pp. [C.O. 5, 898. No. 80, ff. 361, 362.]*

Jan. 22.
Winchelsea,
In the
Downs.

24. Capt. Waterhous to Mr. Popple. *Encloses* following answers. *Continues* :—The Fishery at Canço is manag'd after a manner different from that practis'd in Newfoundland ; for, instead of boat-fishing, it's wholly carry'd on by imbarcations, call'd schooners, who are on the banks, sometimes a fortnight, more or less as winds and weather present, so that it's impossible the fish can prove so good as those brought in every day, which is done by boat fishing ; but that can't be expected till the place is settled with proper inhabitants, that can tarry there winter and summer, which at present, is otherwise, the New England people having most of the property : They come in the spring, and about the beginning of September return to New England again, leaving two or three hands in each property till next spring to provide for the flake, which are in very good order *etc.* The place is extensive and full of islands, which are very commodious for the Fishery, but there are wanting fortifications to secure even those that are now on that employment, in case of a rupture with the Indians, or, our neighbours, the French, for not above four leagues cross the Gulph of Canço, is a harbour and garrison call'd St. Peter's, where the French are building a strong fort of 30 odd guns *etc.*, and at Lewisburgh, 27 leagues distant, they have built a very strong fort of stone, mounted with 200 pieces of cannon *etc.* *Signed, Tho. Waterhous. Endorsed, Recd. 25th Jan., Read 26th March, 1731. Addressed. Sealed. 1½ pp. Enclosed,*

24. i. Plan of the town of Pemaquid.

94. ii. Plan of the town of Pemaquid with the land cleared.

24. iii. Heads of Enquiry relating to the Fishery and Trade of Canço. v. C.S.P. April 28, 1730 ; and 19th May, 1729. *Copy. 3¼ pp.*

24. iv. Scheme of Fishery at Canso for 1730. British fishing ships 0 ; sack ships, 13 = 1065 tons, 121 men ; ships from America, 5, = 352 tons, 40 men. By-boatmen : — . The New Englandmen employed this year about 130 schooners about 5 men in each. Quintals of fish, made by the inhabitants, 50,000 ; carried to foreign market, 31,692 ; train oil, very little ; price of fish, 40s. pr. quintal New England money. Inhabitants, exclusive of garrison, 40 ; fishermen who stayed all last winter, 50. *Signed, Tho. Waterhous. 1 p.*

1731.

24. v. Answers to preceding by Capt. Waterhous. 22nd Jan., 1731. (i, ii) The inhabitants are possess'd of no stages, cook-rooms, or train-fats, their business being wholly employed in curing fish, very little oil is made at Canço. (iii) No aliens or strangers do resort to Nova Scotia, or islands adjacent thereto to take bait, trade, or fish on any account whatsoever in those parts. (iv) The fishermen are wholly supplied from Great Britain with the manufactures of the Kingdom, either by British ships trading to Canço *etc.* or from New England. I cannot find that they are supply'd with anything from foreign countries, except what the New-England-men bring for their own subsistence. (v, vi) The wages for carrying on the fishery at Canço alters, some going by shares, and others by the season, but mostly by what they catch, so that the industrious man gets most: they are commonly paid by bill; or take up necessities they have an immediate occasion for; but the charge of fitting out and maintaining a schooner is uncertain, the men having half they catch, and the owner, who finds ware, tare, salt and provisions, has the other half. (vii) The fishermen have no employment for their people, but wholly to catch fish, the shoremen curing them. The fishing schooners commonly carry five men each; the fish they afford at a settled price, viz. this year at 40s. p. quintal New England money. I must observe to you, that no topmast vessel does catch fish in those parts, for its morally impossible any vessels but schooners can do on this coast. There was not one top-mast vessel there this year. (viii) By the latter end of September all the fishermen go to New England in their schooners (perhaps two or three men left to look after their houses and flakes), to provide for the next season. (ix, x) No houses of the inhabitants interfere with the Fishery, but all contiguous to themselves, their flakes as nigh the water-side as possible, and so run up in the country as far as they have hands to manage them; the length uncertain; just as the nature of the ground will allow; every man being allotted his proportion of ground pr. Governor Philips. Their flakes are in very good order and room enough. (xi) The British ships that come from England for a sack at Canço are victuald from Britain, and some bring provisions to sell to the fishermen. (xii) There is no such thing as ships making their own cargoes of fish. (xiii) Taverns or publick-houses in Canço about 11, which are contiguous to the garrison for the benefit of the soldiers. (xiv) As to their remaining as servants

1731. [24. v]

to the inhabitants, there is no such thing; for the Proprietors and schooners with their crews go home about Sept. *etc.* v. Art. viii. (xv-xvii) No servants are brought from England as is practis'd in Newfoundland. As for thefts and disorders there are very few, at least when I was there, considering 130 schooners, whose crews make up 650 men. Some debauch'd people must be expected among such a number. The people left behind last year were about 50 exclusive of garrison, and about the same this year. (xviii) The New England men do steal away some of the seamen, but when detected severely suffer for it; but they are now more cautious, because I made an order, and declar'd I would make reprisals, which I did on one of them, when one of our men deserted. (xix) I can answer for this year, what fish has been ship'd will turn out well (if they have not a bad passage), considering the bad season, not having a fish day above once in three weeks, that is, a day for hardning the fish for shipping. As for their taking care in well curing the fish, there is no industry wanting when opportunities offer; for their whole dependance is upon their goodness; and it's my opinion the masters are more in fault than the shore-men to take fish, when they know they are not thoroughly cured, (but I have endeavour'd to put things to rights this year) which, in some measure, may have been the occasion of former complaints from the merchants. I have made an enquiry of the manner of curing the fish, which is as follows, vizt., they allow 10 hogsheads of salt to 100 quintals of fish, which I think very sufficient; for if they allow more in the hot season they would be salt-burn'd, which is a great loss: and as fish caught in the spring, they cannot be much prejudic'd, except in colour, which can't be so bright as the Newfoundland fish that are caught in boats; for the schooners are commonly out a fortnight or ten days, according as winds and weather present: but in hot weather they run hazard; for then some fish will be salt-burn'd when they are brought on shore; and there is no help for it, tho' it is the occasion of some turning out refuge fish, which is a great loss to them. The whole fishery is carry'd on by the New England people in embarkations, call'd schooners, which are the only vessels to fish on this coast, and indeed it's the only way at present they not employing any boats, tho' its an excellent place for boat-fishing; but that can't be expected till settlements are fix'd by people that can remain there summer and winter, which, for want

1731. [24. v]

of proper fortifications, is at present neglected, their properties not being secured to them, (especially on the main) in case of the Indians breaking with us, which at present we are under no apprehensions of, tho' they are a sullen and treacherous people and it's possible, on their breaking, they may destroy the whole Fishery. The garrison being pin'd up to defend themselves, the Indians may come with numbers of canoes to the back of the Fishery, and do the mischief, notwithstanding the garrison, by reason the garrison must have boats to transport them from one island to the other; and their way of attacking is commonly in the night, they knowing every inch of the land. (xx) As to the number of French ships at Cape Breton, and on that coast, there are, this year, 50 sail; some years they have 70 sail. I can't find any Irish Papists settled among the French, at least I have not heard of any, they never appearing nigh our port, and whenever I meet any of their boats, nigh Canço, they presently go off. (xxi) I can't find any of the officers of the garrison at Canço concern'd, in the least, either of themselves or others, in the Fishery, but the whole carried on by the Proprietors, who have houses and rooms, which they leave with two or three persons to take care of in the winter, neither do they hire out the soldiers to fish. *Signed*, Tho. Waterhouse. *Endorsed as covering letter.* 3 $\frac{2}{3}$ pp. [C.O. 217, 6. ff. 19, 19v., 20v., 23-24v., 25v.-27v., 28v.]

Jan. 23.
Jamaica.

25. Governor Hunter to the Duke of Newcastle. Venture this by a Bristol ship which is to sail tomorrow morning and it serves only to acquaint your Grace of the safe arrival of the *Enterprize* Capt. Smith on the 18th of this month by whom I had the honour of two of your Grace's letters of the 9th of Nov., 1730. On the 26th of last month the *Adventure* Lord Muskery Capt. sailed from Port Royal bound for Havana where he is to take on board that part of the treasure of the *Genoesa* which the Spanish Capt. en second De la Hay now in prison at Havana had carried off with him (in a sloop belonging to this island which was sent him to save the crew) and then to proceed for Cadiz; but of this Rear Admiral Stewart by who's orders his Lordship acts will give your Grace a more particular account. *Encloses account of the treasure (No. i) etc.*, "which I had this morning from Mr. Stewart." *Continues* :—On the first advice I reced. of H.M. orders to send two regiments forthwith from Gibraltar for the defence of this his Island, which indeed wanted it much, I by proclamation call'd the General Assembly to meet on the 21st of this month, being prorogued to a longer time. They met, but not in a number to proceed to business, desired leave

1731. [25]

to adjourn to Monday the 26th instant, which was granted them ; I wish and am not without hopes that they may make suitable returns for H.M. care of their safety at a time when it is apparent that they are in no condition to take care of themselves. All who have anything here to care for and no views of bettering their fortunes by changes rejoyce with hearts full of gratitude for this timely succour and protection when they least expected it. Mr. Stewart sends the *Tartar* to cruize to the windward with my orders to the Officer commanding the troops on board the transports which will be in conformity with the advice of Council (*encl. ii*). I hope they bring tents with them ; I have however sent orders to Port Antonio, to make preparation for their reception by repairing the old and building new hutts and barracks. A small party sent out from the leeward brought in a negro woman prisoner who has informed as in the paper. (*No. iii*). There can remain no doubt of their correspondence with and encouragement from the Spaniards. And I am affraid they have the same with and from some within. The paper mark'd (*No. iv*) is the copy of a letter from Lehy at Dublin brought to my hands by our Attorney General, having by mistake been delivered to the Executor of Mr. Murray deceas'd by reason of the resemblance of the names Morrogh and Murray. The original I shall send by Capt. Smith, that your Grace, if yo(u) think fitt, may be better inabled to inquire after and find out the writer. Last Monday one Tudor who has the command of the party now fitting out against the slaves in rebellion on the North East of this island, and the fittest man for that command, having behaved himself well on that service when others fail'd, was arrested at Kingston where his party were rendezvous'd for a petty debt contrary to law being a freeholder, and kill'd in the Marshall's house by a shott behind him, two of his party kill'd and some wounded at the door by the Marshall's men, who are all here now in goal, the Coroner's inquest having found the fact willfull murder. Of this I shall be more particular by Capt. Smith. *No. v* is a copy of the last letter I reced. from the General of the gallions *etc.* I have desired Mr. Stewart to keep the *Enterprize* here a few days that I may be able by her to inform your Grace what measures the Assembly shall enter or resolve upon for the accommodating and providing for the two regiments *etc.* Signed, Ro. Hunter. Endorsed, R. April 7. 4 pp. Enclosed,

25. i. Account of the treasure taken up from the *Genoesa etc.* Total, 256,992 dollars. To defray charges, 21,404*d.* ; ship'd on board H.M.S. *Adventure* including the freight, 235,588*d.* 1 p.

25. ii. Minute of Council of Jamaica, 21st Jan. 1730(1). Resolved that the Admiral be desired to send a fregate to cruize to windward to look out for the transports *etc.* ; and that 3 companies be detached and landed

1731. [25. ii]

- at Port Antonio with their tents *etc.*, and provisions to last two months *etc.* *Copy.* $\frac{1}{2}$ p.
25. iii. Extract of Col. Campbell's letter of the examination of some rebellious negros lately taken. The wife of the chief Obra man promises to shew the town and great cave where they send their women and children to, when any party comes upon them *etc.* The wench from Mr. Rippens who was their guide tells that they have as much gold and silver as two negroes can carry *etc.* That the negroes at Port Antonio are very numerous. That one of their Captains went to the Spaniards, told of their number, and inclinations to joyn with them, if they invaded the island, which is agreeable to what information your Excy. and the Council had from Capt. Quarry, and the few. The negro woman is one of 30 that went from Mr. Humphry Mumbie's and joined with the rebels *etc.* $1\frac{1}{2}$ pp.
25. iv. Francis Lehy to [? Mr. Morough], Dublin, July 30. O.S., 1730. Dear Uncle *etc.* *Continues*:— There's some talk among our chief Clergy here having receiv'd orders from Rome, to send some Missionarys to Jamaica and the circumjacent places; I am consulted upon it, and if it happens shall be sent head of the Mission: before I would willingly engage in so weighty an affair, I should be glad to hear your opinion of the place and affair. Send me some small account of your fortune, and misfortune, for you know I was in Paris when you went off to Jamaica: If I was perswaded this would come to your hands I should write you after a very difficult manner dont fail to let me hear from you by the first opportunity to England: address to me at Mr. James Thomson turner in Engine Alley near Meath in Dublin *etc.* *Signed*, Francis Lehy. *Copy.* $1\frac{1}{2}$ pp.
25. v. General of the Spanish Galleons to Governor Hunter. Cartagena Bay. 3rd Jan. (N.S.), 1731. Relating to the cargo of the *Genoesa etc.* Prays him to continue his favours by discovering the effects hidden by those inhabitants of Jamaica who visited the wreck of the *Genoesa*, Don Joseph de Herrera having informed him that he left powers with Mr. Edward Pratter for that purpose *etc.* Has information of another *valanda* [?] which harvested the cargo of a sloop cast away on the Little Caiman. As she went to Jamaica, hopes H.E. will see that those effects are recovered. *Signed*, Manuel Lopez Pintado. *Spanish.* *Copy.* 1 p.

1731.

25. vi. Speech of Governor Hunter to the Council and Assembly of Jamaica. v. Feb. 11th encl. i. *Copy.* 2½ pp. [C.O. 137, 53. ff 299–301, 302, 303, 303v., 305, 305v., 307, 308–309; and (enclosures i–iii only) 137, 47. ff 88, 89, 90, 91v.].

[Jan. 23]. 26. Translation of No. 25 v. *supra*. 1½ pp. [C.O. 137, 53. ff. 310, 310v.] [180 old].

Jan. 23.
Jamaica.

27. Governor Hunter to Mr. Popple. On the 16th of this month I received by the *Hannibal* their Lordships' letter of Oct. 22nd. Tho' I gave my assent to an act repealing the Protestant act, chiefly because of the objection against it at that board; yet I believe every friend to the King's Government in this Island are sensible of the obligations they ly under to their Lordships' for recommending the first to his Royal approbation. Their danger from Irish Papist avow'd or conceal'd having been greater than they apprehended so, much need not be said to perswade their Lordships to get this repealer disapprov'd. They may perhaps amend it by a subsequent. The very Faction itself would be ashamed on this side to say that I had or possibly could have any views of putting my son's names in patents for land at Port Antonio, but that of encouraging others to become settlers, and if I could have don 't without discouraging such, I would have long ago removed the negros I have there, which I leave a sacrifice to that view, and have offered these or any other lands thereabouts in my power or the King's grant to any person who will settle there with the same number of negros, and these lotts are in partnership with Col. Nedham the best settler of new ground here, and he well knows the truth of what I say. I am surpris'd at what their Lordships write about the old Seal, it was seal'd up in Council, put into a box together with the Acts of Assembly *etc.* and sent on board of the *Plymouth*, Capt. Bridge, 10th May last by one of the Marshals, who brought a receipt for the same, but I can not account for or guess at the cause of the miscarriage. I hope before this time it may be found out. This goes by a British ship which sails to-morrow morning, so that I have not time to write as I ought to their Lordships, but by Capt. Smith of the *Enterprise* which will sail in a few days and is kept here on purpose their Lordships will hear from me directly, in the mean time you may communicate what you please of this. *Signed*, Ro. Hunter. *Endorsed*, Recd. 19th April, Read 13th July, 1731. 2½ pp. [C.O. 137, 19. ff. 52–53v.].

Jan. 23.
Boston.

28. Governor Belcher to the Duke of Newcastle. When I was last in the Provinces of New Hampshire I did in obedience to H.M. royal instruction order a survey of the onely fortifi-

1731. [28]

cation there call'd the William and Mary fort *etc.* *Report enclosed wherein* it is proposed to repair and add to the fort, and to raise a battery of six guns in another place. *Continues :* The Assembly also propos'd to me the building of a Court House at Portsmouth the capital of the Province. H.M. Council and the House of Representatives past a bill, for raising 6000*l.* to defray the charge of these things, and at the same time to postpone the payment of 150,000*l.* and 1730*l.* now out on a loan ; to this bill I could not give my consent, because I suppos'd it to interfere with H.M. 22nd and 23rd Instructions to me : But I promis'd to send the bill to your Grace, and to humbly crave in their behalf, that your Grace would procure and send me H.M. royal leave to give my consent to the bill, which is inclosed. I am with great submission to your Grace of opinion, that the bill can be of no prejudice but will greatly advance H.M. honour and interest and the safety and prosperity of his good subjects there, *etc.* Finding H.M. Council at New Hampshire very thin consisting one of eight persons *etc.*, and two of those gentlemen often out of health and unfitt to attend their duty, I added to the Council Richard Waldron Esqr., a gentleman every way qualify'd *etc.* He is now applying home for H.M. royal mandamus *etc.* *Signed, J. Belcher. Endorsed, R. 19th [? March]. 2½ pp. Enclosed,*

28. i, ii. Governor Belcher's Instructions to Governor Lt. Tailer and others, Oct. 29, 1730, and their report upon Fort William and Mary 21st Dec., 1730. *Signed, Wm. Tailer and 50 others. 25 pp.*

28. iii. Act of New Hampshire for emitting 6000*l.* in bills of credit and postponing payment of money due on 25th April, 1731, for one year, paying 5 p.c. interest. Passed the two Houses but not assented to by the Governor. Dec. 3, 1730. *Copy. 2½ pp.*

28. iv. Deposition of Joseph Heath, Commander of H.M. Fort Richmond in Kennebeck River. Dec. 14, 1730. Being directed by Lt. Governor Tailer to attend him to survey the forts and garrisons in the Eastern parts of the Massachusetts Bay, I embarked on board the sloop *Endeavour* 5th Nov., 1730, and after sailing to Fort George in Brunswick and to the blockhouse on St. George's river, we anchored in the harbour of Pemaquid before the ruins of the old Fort William, where the King's flagg was flying. Soon after came on board a letter from Col. Dunbar to Col. Tailer, to which Col. Tailer and the other gentlemen on board wrote and sent an answer by me, to whom Col. Dunbar said, if Col. Tailer and the other gentlemen had known what had passed between Governour Belcher and him in Boston, they would not have come, *etc.* for he had answered their letter already adding that he had been

1731. [28. iv] reflected on by them, and they endeavoured to sett the Indians against him at Richmond, publickly. I told him this was false for I had been present at every publick interview with the said Indians and never heard any such thing *etc.* *Copy* certified by Joseph Marion, Notary Public. 3 *pp.* [*C.O.* 5, 898. *Nos.* 81, 81 i-iv; and (*encl.* i, ii, iv only) 5, 10. *Nos.* 190-202.]
- Jan. 25. **29.** Governor Belcher to the Council of Trade and
Boston. Plantations. *Repeats* substance of letter to D. of Newcastle, 23rd Jan., to which he refers. *Concludes* with list of the 7 Councillors of N. Hampshire, adding, "Nor can I at present persuade any gentlemen suitably qualify'd that will pay thirteen guineys for their Mandamus's it being a certain charge, and no profit. *Signed*, J. Belcher. *Endorsed*, Reed. 18th March, Read 9th June, 1731. 3½ *pp.* *Enclosed*,
29. i. Duplicate of Jan. 23. *No.* iii.
29. ii. Survey and report upon Fort William and Mary and stores therein. 18th Dec., 1730. Suggest repairs and additions to walls and batteries. *Signed*, John Frost, Theodore Atkinson. *Endorsed*, Reed. 18th March, 1731. 1¾ *pp.* [*C.O.* 5, 873. *ff.* 27-32v.]
- [Jan. 26]. **30.** Merchants and planters trading to and interested in Antigua to the Council of Trade and Plantations. The Act of Antigua for amending the Chancery Act will be of great advantage to traders and a further security to the property of the inhabitants. *Pray* to be heard, if there is any objection to the bill *etc.* *Signed*, Hum. Morice and 14 others. *Endorsed*, Reed. Read (from Mr. Coleman) 26th Jan., 1731. 1 *p.* [*C.O.* 152, 19. *ff.* 23, 26v.]
- Jan. 26. **31.** Mr. Popple to William Coleman, mercht. *Reply to*
Whitehall. preceding:—The Lords Commissioners will be ready to hear the merchants, if they have anything further to offer, "on Thursday sennight at 11 a clock in the morning." [*C.O.* 153, 15. *pp.* 66, 67.]
- Jan. 27. **32.** Memorial of loss and damage (1966*l.* 10*s.* 10*d.* sterl.) sustained by Capt. William Walton of New York, merchant, by the provisions carried to Florida in an English vessel belonging to him and there seized by the Spanish Governor in 1727 or 1728. Deposition, *signed*, Richard Jenneway, of London, merchant. *Endorsed*, 18th Feb., 1731. 2 *pp.* *Enclosed*,
32. i.-iii. Correspondence relating to above. *English and Spanish. Copies.* 4 *pp.* [*C.O.* 388, 93. *Nos.* 7, 7 i-iii.]

1731.

Jan. 27.
Bermuda.

33. Lt. Governor Pitt to Mr. Popple. *Acknowledges* letter of 7th March, and will observe Instruction relating to whale-fishery. *Encloses following* to be laid before the Board. "Yr. interest wth. their Lordships in my behalfe will be a great meanes to obtaine it" *etc.* *Signed*, John Pitt. *Endorsed*, Recd. 29th June, Read 1st Dec., 1731. *Holograph*. $\frac{3}{4}$ p. [C.O. 37, 12. ff. 78, 79v., and (abstract) 37, 24. pp. 33, 34.]

Jan. 27.
Bermuda.

34. *Same* to the Council of Trade and Plantations. *Has* communicated above Instruction to H.M. subjects. *Continues* : As H.M. was pleas'd to order it in my Instructions, for a hundred pounds a yeare, being parte of ye Governour's sallary, which my predecessours allwayes injoy'd, I humbly request yr. Lordships to interceed with his most sacred Majesty to continue the hundred pounds a yeare, in lew of ye whale fishery, in what manner H.M. graciously will be pleased to appoint. I shall not trouble yr. Lordships wth. a repetition of the negroes poisoning ye whites ; haveing done myself ye honmor of writing twice on yt. subject, by ye care and vigilence of the magistrates, and by ye speedy tryall of them as the Act directs haveing condemn'd one wooman to bee burnt and a man hang'd severall transported to ye Spanish West Indies wee are now a little easy, but am afraide not quite secure but doe assure yr. Lordships nothing shall bee wanting in mee, towards extirpating them intierly, and doeing everything else for ye honnour of his most sacred Majesty and the good of ye people I have the honour to governe. I am sorry to heare yt. of my letters never came to your Lordships' hands, haveing taken care to acquaint yr. Lordships with all that passes, but have now advice of two or three vessells yt. are lost by whome I sent, there beeing heere directly noe shipp from England, or to England, I hope yr. Lordships will not impute any neglect in mee *etc.* *Signed, and endorsed as preceding.* *Holograph*. $1\frac{3}{4}$ pp. [C.O. 37, 12. ff. 81, 82, 82v. ; and (abstract, with notes) 37, 24 pp. 31, 32.]

Jan. 27.
Bermuda.

35. *Same to Same.* *Encloses following*, "whereby your Lordships may perceive that Timothy Tines and Cradock Shelito, both natives of this place, haveing been taken by Spanish pirates, or rovers, were carried into Porto Rico *etc.* where by the clemency of the English Factor residing there, the said two persons were employed by one Don Joseph Traheau, a native of France but a subject of Spain, in order to assist him in navigating a small vessell which he purchased for the better despatching of packetts then under his care for the Havana where he was bound, who accordingly with the said two persons embarked and sailing along the coast of Cuba the said two persons took an opportunity to throw the said Traheau over-board, and then run away with his vessell, one negroe man servant that waited on him and all the goods on board which

1731. [35]

they carried to a place called Turks Islands a moroon key near the Bahama Islands, where meeting with a Bermuda vessell they embarked for these islands leaveing behind the Frenchman's vessell, and upon their arrivall here information being made to me of their villany, I caus'd them to be aprehended, one was try'd, condemn'd and executed, the other who was thought least culpable turn'd the King's evidence *etc.* *Refers to enclosure.* *Continues* :—I have used my utmost endeavours to discover what effects the said Don Joseph Traheau had on board, but can find nothing considerable except the said negroe, those fue that have been found are now in my possession, and shall be sent to the proper owners thereof assoon as I can be advis'd who they are. This is the first oppertunity I have had to transmitt to your Lordships the duplicates of the severall copys of acts of Assembly and other publick proceedings, which I hope will meet with your Lordships approbation *etc.* I some time since transmitted severall acts *etc.*, together with an address of the Councill and Assembly, therein praying relief from the many hardships they have labour'd under by the insults of the Spaniards, as allso that the independant Company since remov'd from hence to New Providence may be return'd here for the better safeguard of this Colony, all which I hope have long since come to your Lordships' hands and mett with your favourable recommendation to his Majesty. *Signed and endorsed as preceding.* 1 p. *Enclosed,*

35. i. Proceedings of the Court of Admiralty, Bermuda, at the trial of Timothy Tynes for piracy *etc.* 29th Sept., 1730 v. *preceding.* *Evdorsed*, Recd. 29th June, Read 1st Dec., 1731. *Copy.* 7 pp. [C.O. 37, 12. ff. 83, 84v.-88, 89v.; and (abstract) f. 84 and 37, 24. pp. 32, 33.]

Jan. 28.
St. James's.

36. Order of King in Council. Approving report of the Council of Trade and Plantations on the petition of Lord Percival and others for establishing a charitable Colony in South Carolina *etc.*, and ordering that Mr. Attorney and Sollicitor General do prepare the draught of a Charter agreeable to what is therein proposed, inserting therein such clauses as they shall think proper, to render H.M. intentions herein most effectuell *etc.* (v. A.P.C. III. No. 223). *Signed*, Temple Stanyan. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 8½ pp. [C.O. 5, 362. ff. 26-30, 31v.]

Jan. 28.
St. James's.

37. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd. 27th Feb., Read 7th April, 1731. 1 p. *Enclosed,*

37. i. Petition of Anthony Rutgers of the city of New York to the King in Council. *Prays* for a grant of 70 acres

1731. [37. i]

called the Swamp, *etc.* (v. A.P.C. III. No. 227). 4 pp.
[C.O. 5, 1055. ff. 170, 171-172v., 173v.]

Jan. 29. **38.** Memorial of loss and damage (1800*l.* sterl.) sustained by William Wanton, senior and junior, of Rhode Island, owners of the *Wanton*, taken by a Spanish man of war in April, 1724, near the Bay of Honduras. Affirmation, *signed*, Richd. Part-ridge. *Endorsed*, 18th Feb., 173^o. 2 pp. *Enclosed*,

690. i.-vi. Depositions, petition and correspondence relating to foregoing. *English and Spanish.* (v. C.S.P. 4th June, 1728). 15 pp. [C.O. 388, 93. Nos. 6, 6 i-vi.]

Jan. 29.
Councill
Office.

39. Mr. Sharpe to Mr. Popple. Reminds him of meeting of Committee of Council on Thursday next at six o'clock *etc.* as Jan. 19th, and encloses two new petitions relating to the same affair, which are to be considered then *etc.* *Signed*, Will. Sharpe. *Endorsed*, Recd. 29th Jan., Read 2nd Feb., 173^o. *Enclosed*,

39. i. Petition of Merchants of Dublin to the King. *Pray* to be heard by their Councell against the petition of Barbados (v. 23 Nov., 1730) "containing many groundless or mistaken suggestions tending to their great injury and prejudice," *etc.* *Copy.* 1 p.

39. ii. Petition of Mayor, Aldermen, merchants and owners of ships of Liverpool, trading to and from Barbados and the Plantations, to the King. *Pray* that goods from foreign Sugar Plantations may be prohibited from being imported into any of the Plantations *etc.*, as 23rd Nov., encl. i and ii. 58 signatures. 2 pp. [C.O. 28, 21. ff. 148, 148v., 150, 151, 152, 152v., 155v.]

Jan. 29.
Austin
Friars.

40. Mr. Coleman to Mr. Popple. *Reply to 26th.* The act has been so long depending before the Board, that the memorialists were apprehensive their Lordships might have some objection to it. As they don't apprehend by your letter, that this is so, they will not trouble their Lordships, unless they receive further commands *etc.* *Signed*, Wm. Coleman. *Endorsed*, Recd., Read 29th Jan., 173^o. $\frac{1}{2}$ p. [C.O. 152, 19. ff. 28, 32v.]

Jan. 29.
Whitehall.

41. Mr. Popple to Wm. Coleman. I have laid your letter of this day's date before my Lords Commissrs. *etc.*, and am commanded to acquaint you for the information of the gentlemen who desire the Chancery Act of Antigua should be confirm'd, that their Lordps. have frequently had the same under their consideration, but do not apprehend they can be justified in advising H.M. to confirm it, because they have several objections to it, and tho' it be not usual in matters of so public a nature,

1731.

[41]

for their Lordships to declare either their opinion or their reasons for their opinion, to any person whatever, before they shall have laid the same before H.M. ; Yet their Lordps. have been pleased to command me to acquaint you, that they apprehend the principal grievances complain'd of and intended to be remedied by this act, may be effectually redress'd by H.M. Instructions to His Govr. of the Leeward Islands ; and if any inconvenience should arise from the execution of those Instructions, they may from time to time be alter'd and amended as the benefit of the subject may require ; but it would not be so easy to redress any evil arising from the effects of an act once become absolute by the Royal approbation. That there is a very extraordinary clause contained in this act, whereby it is attempted to exclude the jurisdiction of all the Courts of Judicature in Great Britain, except that of H.M. in Council upon appeals. If therefore the Memorialists have anything to lay before their Lordships, or desire to be further heard upon the subject matter of the said act, their Lordships will be ready to hear them on Thursday next. [C.O. 153, 15. pp. 67-69.]

Feb. 2.
Austin
Fryers.

42. Mr. Coleman to Mr. Popple. *Reply to 29th Jan.* The memorialists being unable to attend on Thursday next, pray for a day next week to be appointed *etc.* *Signed*, Wm. Coleman. *Endorsed*, Recd., Read 2nd Feb., 1739. $\frac{1}{2}$ p. [C.O. 152, 19. ff. 28, 31v.]

Feb. 4.
Admty.
Office.

43. Mr. Burchett to Mr. Popple. H.M.S. *Salisbury*, commanded by Capt. Clinton, and another ship of the sixth rate, being design'd this year for Newfoundland, and Capt. Waterhous in the *Winchelsea*, for Canseau, *requests* that Heads of Enquiry may be timely prepared, *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 5th Feb., Read 19th March, 1739. *Addressed*, $\frac{1}{2}$ p. [C.O. 194, 9. ff. 71, 76v.]

Feb. 9.

44. Council of Trade and Plantations to the King. *Quote* from Governor Philipps' and Col. Dunbar's Instructions as to laying out lands. *Continue* : But they having represented to us, that, if they are obliged to follow the letter of these Instructions, it would be a great discouragement to the settlement of the Province, inasmuch as the finding out of proper tracts of wood lands for the service of the Royal Navy would require much time and consequently delay, if not disappoint, the intention of such persons as may be at present disposed to settle in Nova Scotia, more particularly great numbers of Palatines and Irish Protestants, who are now willing and desirous to become planters there ; we take leave humbly to propose to your Majesty, in order to remove this obstacle, that Colo. Dunbar may be empower'd, notwithstanding the said Instructions, so soon as he shall have mark'd out any quantity

1731. [44]

of woodlands for the service of your Majesty's Royal Navy, to set out an equal quantity of land not fit for that service for such persons as shall be disposed to settle *etc.*, always taking care, that the lands, for the use of the Royal Navy, be first mark'd out, and that those intended for private settlements be on such lands only as are not fit for the service aforesaid ; by which means the service of the Royal Navy will be effectually provided for, and the settlement of this Province may at the same time go forward *etc.* *Propose* to prepare Instructions to them accordingly. [C.O. 218, 2. pp. 224-226.]

Feb. 10.
Whitehall.

45. Council of Trade and Plantations to the Duke of Newcastle. Mr. Wentworth, the late Lt. Governor of New Hampshire, being now dead ; we presume your Grace will have very few applications for that employment, which is really of very little value, having no salary annexed to it, nor any perquisites but such as arise from the good will of a very poor Province, and therefore we take leave to recommend Col. David Dunbar, the present Surveyor Genl. of ye Woods, to succeed him, thro' your Grace's protection and favour. And we do this purely out of regard to H.M. service, because we apprehend this would encrease Mr. Dunbar's authority in those parts and greatly contribute to ye preservation of H.M. Woods. *Autograph signatures.* 1 p. [C.O. 5, 931. No. 19 ; and 5, 916. p. 400.]

Feb. 10.
N.
Providence.

46. Lewis Bonnet to Mr. Delafaye. *Warns him* against Mr. White, who has joined with Mr. Colebrooke to embarrass the Governor for their own ends. *Continues* :—Mr. Colebrooke was chosen Speaker of the Assembly in which were several of his creatures, so that by his artifice, and the ignorance of the majority of the members, he carryed everything as he pleased, and Mr. White being a great talker in the Council, most of which were the old inhabitants and illeterate, they two consulted their measures with the Assembly so as to be continually pushing forward their own views, by which means they soon began to lord it over the people in a very haughty and imperious manner and to oppose the Governor in everything they could, espetially in his designs of repairing the fortifications *etc.* Mr. Colebrooke by his logick and sophistry, which the people were very much unused to, prevented their coming to any resolution about it, and Mr. White exerted himself to the same purpose in the Council, which appearing very plain to the Governor upon receiving a very extraordinary message from the Assembly, he desired Mr. White and one Mr. Jenner another tool of Mr. Colebrooke's to retire from the Council Board into another room whilst he would acquaint the other Gentlemen with something which he would not have them enter into till it came to be debated in Council, they accordingly

1731. [46]

withdrew and the Governor in a very little time sent for them to take their seats, to enter on business, but Mr. White was gone and hastened to acquaint the Speaker, Mr. Colebrooke with this affair, and Mr. Jenner denyed to go in, saying Mr. White was gone and he would go to *etc. ut supra*. *Continues* : Upon this Mr. Colebrooke took upon him to harangue the Members of the Assembly in a very extraordinary and seditious manner, told them they were threatened with arbitrary power, and bid them joyn with him and he would make an humble address to H.M. that he would please to send them an honest Governor who would act by law, and recall his tyrannical and arbitrary Governor home, and amused the people with speeches to this effect, and prevented their proceeding to do any business till he had quite tired their patience, and the Governor found it necessary to dissolve them to lett the poor people go about their private affairs since it was evident their Speaker would divert them from doing the publick any service. As soon as the Assembly was dissolved, Mr. Colebrooke seized upon all the books and papers thereof, and would not deliver them to the Clerk, and afterwards denyed them to the Governor in Council, who required them in order to send fair transcripts home *etc.* Then Mr. Colebrooke applied himself to make a party in the following Assembly, now sitting, and joyn'd himself with the most ignorent of them in order to have a majority of voices, and became reconciled to a man of whom he always spoke with the utmost contempt, and who always represented Mr. Colebrooke as one of the vilest of men, and the most obnoxious to any civil Government, yett by giving him and others large credit (out of the effects of some gentlemen at home who intrusted him) and promises of more, he has got them over to his side, and now he goes on very strenuously in his old strain of opposing the fortifications being repaired, and said publickly in the house at the first meeting of the present Sessions that he always detested and abhorred the garrison *etc.* *Continues* : The great opinion I have of the Governor's honour, and his constant endeavours to promote the welfare of this Colony, and the very bad usage he has received from these two persons who were both so much obliged to him, and Mr. White being returning home on purpose to do him all the prejudice he can, extorted this epistle from me *etc.* *Signed*, Lews. Bonnet. *Endorsed*, R. April 24. 2½ large pp. [C.O. 23, 14. ff. 183–184v.]

Feb. 10.
New
Providence.

47. Governor Rogers to the Council of Trade and Plantations. On the 11th Oct. last I had the honour to write your Lordships directly hence by Capt. Bankes, and sent a duplicate of the same via Carolina. I have herewith by a direct opportunity forwarded duplicates of the Acts of Assembly, some of which I since have found are in some measure difficient

1731.

[47]

through the ignorance of great part of our Assembly and artifice of one person whom I had some confidence in or my first arrival when the ill condition I found this Colony in did not allow me time to weigh and deliberate on them with that circumspection I intend for the future. During the sessions of the late Assembly I endeavoured pursuant to H.M. Instructions to recommend the state and condition of the fortifications, which much wanted all the assistance possible for their repair *etc.* (v. 11th Oct. 1730). I did not find the major part of the Assembly averse at first, but since they have been diverted from their good intentions by the insinuations of one Mr. Colebrooke, their Speaker, who imposed so long on their ignorance, that I was obliged to dissolve them, lest his behaviour might influence them to fall into schemes yet more contrary to the good of the colony and their own safety. Another Assembly is lately elected and still find the effects of the above Mr. Colebrooke's influence on the most ignorant of them, who are the majority, and whom he has possess'd with notions of their being subject to the garrison, which he publickly declared in the House he always detested and abhorred, stiling it an arbitrary power and what the [y] ought to oppose, though I never heard any complaints against the garrison since my arrival. And he also attempts to take from the Officers, and such of the soldiers of H.M. Garrison as are equally freeholders with the inhabitants the liberty of voting in common with their fellow subjects, so that I perceive I am to expect but little publick service from the resolves of the present Assembly; being mostly influenced by him to oppose any support towards the work of the fortifications, in which designs I found he was assisted by one Mr. White who was of H.M. Council here, and an old acquaintance of Mr. Colebrooke's, and acted in concert with him in his designs to the great prejudice of this Government, in which I was enough confirmed by messages from his accomplices in the Assembly opposing the country's assistance towards the fortifications, for which reasons, at a meeting, being willing to acquaint the rest of the Council therewith, I, in the most friendly manner, desired him and one Mr. Jenner (who followed the same measure and was a dependant on Mr. Colebrooke) to retire into another room whilst I advised with the other Gentlemen of the Council, telling them it was on something I did not judge proper then to mention before them, till I had discoursed the rest present who were for going on with fortifications. This affair happening on our receiving an extraordinary message from the Assembly relating thereto and and after having conversed with five of the Board present weh. did not take up a quarter of an hour's time, I sent to desire Mr. White to joyn and make a board as usual, but found he was gone to consult his friend the Speaker of the Assembly, and upon his being duly summonsed the next morning he refused to attend, which he signified by a letter to that purpose,

1731. [47]

whereupon having first taken the advice of the Council present and believing it more for the quiet of the Colony that I should suspend him without entering the reasons at that Board, which on extraordinary occasions as I humbly presume this was, I made use of H.M. permission according to my Instructions till H.M. pleasure be further known, and suspended him from acting as one of the Council till that time, leaving Mr. Jenner to declare his intentions which he often has since and refused to attend the Council, abiding by what he had wrote in concert with Mr. White. I am not in a state of health nor have I time by this conveyance to trouble your Lordships further on this affair but shall by next conveyance which I depend will happen very soon after this and hope to do it from Carolina. I have published H.M. order of 25th Sept. *etc.*, since when we have lost two sloops from this port, one of which we hear is carried into the Havana. I daily expect the masters will be here to make regular complaints thereof as prescribed by H.M. said orders. Two sixty gun ships with warlike stores are lately arrived at the Havana and as I am informed by a vessel lately arrived thence they have encreased the number of regular forces in that city and garrison and that my Lord Muskerry in H.M.S. *Adventure* lay there ready to sail in her passage from Jamaica to Cadiz, with the money aboard her which was saved out of the rich Spanish wreck some time since lost near Jamaica. The present ill state of my health which has been lately much impaired obliges me to have recourse to H.M. permission of going to South Carolina for change of air, from whence I hope to return in three weeks or a month, and that one or two of H.M. ships will accompany me thence in order to make a demand of our vessels (taken by the Spaniards) pursuant to H.M. orders. Mr. White *etc.* was some time Chief Justice in this Colony appointed by me, in which he acted with partiality and I have displaced him from that office. He comes home by this opportunity and as he has misconstrued almost everything I have endeavoured to doe for the publick service, I have reason to believe he may also misrepresent my actions in some sort of complaints from himself or others by his and Mr. Colebrooke's instigations, which I cant here yet be apprised of; and I entreat your Lordships goodness that I may be allowed time to answer to anything of that kind before it has made any impressions to my disadvantage, having done everything here to the best of my judgement for the service of the publick, and if I should have inadvertently been guilty of any mistake, it has not been thro' want of zeal for H.M. service and the welfare of this Colony, in which I shall always act with that integrity that becomes a man of honour deserving your Lordships patronage and protection. *Acknowledges* Additional Instruction of 2nd Feb., 1730, in regard to the Receiver of the Sixpenny Office money *etc.* *Signed*, Woodes Rogers. *Endorsed*, Reed. 21st

1731.

[47]

April, Read 4th June, 1731. 2 large closely written pp. [C.O. 23, 2. ff. 247, 247v., 248v.]

Feb. 11.
Westminster.

48. H.M. warrant re-appointing Thomas Lowndes to be Provost Marshall and Clerk of the Peace and Crown in South Carolina, "for and during his own life and the life of Hugh Watson" (v. 27th Sept., 1725) on his surrender of his patent from the late Lords Proprietors. *Countersigned, Cocks. Copy.* [C.O. 324, 49. ff. 81-84.]

Feb. 11.
Whitehall.

49. Mr. Popple to Col. Dunbar. *Acknowledges* letters of 2nd and 25th May, 5th and 16th June, 19th Aug., 15th and 21st Sept. and 21st Oct. *Continues* :—My Lords Commissioners would sooner have given me their directions in answer, but that the great dispute, relating to the claim of the Massachusetts Bay and of several private Proprietors to lands in that part of Nova Scotia where you are, is not yet determin'd; But as the Solicitor of the Treasury has with the approbation of My Lords Commissioners for Trade and Plantations laid before the Attorney and Solicitor General a full state of this matter for their opinion in point of law, who are now hearing Council on both sides thereon, it will shortly receive a decision. In the mean time you are at liberty to lay out lands as directed by your Instructions between the rivers Penobscot and St. Croix and their Lordships wish you success in such settlements as you shall make there: But until the King's title to the lands between Kennebeck and Penobscot shall be finally determined, you are not at liberty to make any settlements there. But as to those which you have already made in the neighbourhood of Pemaquid, you will perceive by the duplicate of an Order to the Governor of New England which was sent you some time ago, that H.M. has been pleased to direct that they shall not be disturb'd till his further pleasure shall be known. And if the right shall appear upon enquiry, to be in H.M., we apprehend the people you have settled there will never be disturb'd. All settlements to be made at or near Annapolis Royal and Cango or in any other part to the N.E. of Santa Croix are left entirely to the direction and care of Colo. Phillips and therefore you will have nothing more to do there but lay out the lands pursuant to Colo. Phillipps' directions, but this may be done by your Deputies that you may have the more leisure to comply with the other parts of your duty elsewhere *etc.* Although you are directed by your Instructions to lay out another hundred thousand acres of land between the Rivers Penobscot and St. Croix, yet you are not confin'd to any particular place but may mark them out according to the best of your judgement even in the different parcels if necessary, always taking care not to ineroach upon private property, and my Lords do not doubt your integrity in the execution of this trust. And whereas their Lordships have

1731. [49]

observed by the copies of the letters between Col. Phillipps and you which you transmitted to the Board relating to this part of the execution of your trust, that great difficultys did occur to Col. Phillipps in the peopling of Nova Scotia, in case such persons as were desirous to take up lands there should be oblig'd to wait till the whole three hundred thousand aeres proposed to be reserved for the service of the Royal Navy should have been mark'd out and set apart by you for that use, their Lordships have represented this matter to H.M. and expect shortly to receive his directions thereon. "My Lords taking notice of the discouragement which you apprehend it may be to the settling of lands to the Eastward, that the title to those lands tho' lay'd out by you may hereafter be lyable to dispute have commanded me to direct you, that Col. Philipps is directed by his Instructions to affix the Great Seal of the Province of Nova Scotia to all such allotments of land as you shall set out to the westward of St. Croix, whereby the titles to such lands will become indisputable, and when any number of allotments shall be ready for the Great Seal they may be sent all together to Col. Philipps for his confirmation. My Lords Commissioners have commanded me to send you a copy of the petition which Mr. Waldo has presented to the King in relation to such claims as are set up against H.M. title to the land between the Rivers Kennebeek and Penobscot that you may transmit to them what informations you can upon that subject, tho the validity of these claims may possibly be determined before this letter can reach you. Their Lordships presume you have sent duplicates to the Admiralty of those letters to me wherein you complain of the difficulties you lye under of obtaining right in the Courts of Admiralty in New England on seizures and condemnations in behalf of the Crown; However I have received orders to transmit copies of your letters to the Admiralty, and my Lords will readily concur with the Lords of the Admiralty in anything that shall be proposed for redressing that grievance. My Lords do not make you any particular answer to what you say in relation to the settling the bounds between the Massachusets Bay and New Hampshire, because the Governor of those Provinces having received very full Instructions from H.M. has already laid them before the Assembly of New Hampshire, and we hope they may have a very good effect. It is with great concern that My Lords Commissioners have read that part of your letters wherein you mention the ill usage you have met with in the execution of your employment, and they are sorry to find that you have put yourself to any expence beyond what the duty of your office required of you, because of the difficulty which must attend the application for repayment, in a case where no fund is appointed for that purpose: But if the money which you have expended for the publick service shall really appear to have produceed some advantage,

1731. [49]

My Lords are very willing to recommend the repayment thereof to the Lords of the Treasury, and for the future it will be prudent for you to be very cautious how you engage in any expence beyond what you are directed to make. Upon this occasion you particularly mention your expence in prosecutions and your opinion that the Advocate and Attorney General may be ordered to attend them to make their demands home, and that the fines imposed might not only pay this charge but afford some small salary or travelling charges for them. My Lords take it for granted that it is the duty of all the King's Officers to assist you in these prosecutions and would be willing to propose the fines as a fund for this purpose had they not upon your recommendation to the Lords of the Admiralty prepared Instructions to the several Governors of the Colonies which have since been approved of whereby the King's moiety of all fines is given to the Informer. My Lords observe what you have wrote concerning the construction which is put upon those Acts of Parliament which impose fines upon offenders in the woods in America, and for your information in this particular I am commanded to send you a copy of Mr. Fane's opinion whereby you will perceive that fines imposed by English Acts of Parliament are deem'd to be and must be paid in sterling money. My Lords Commissioners are very sorry to find by your letters that your health is so much impaired as to incline you to think of resigning your employment, should you yet have the same intention my Lords would very willingly at your request propose your brother Mr. Jeremiah Dunbar for your successor ; but as the nomination of this Officer is not in them you might by this step run the risque of losing your employment and your brother not succeed you : My Lords therefore hope your health will return and that your dilligence and fidelity in the execution of what you have now in charge may lay a foundation for recommending you to a less painfull employment. My Lords Commissioners having at your request transmitted to the Lords of the Admiralty the proceedings of the Vice Admiralty Court at Portsmouth in the Province of New Hampshire, upon an information exhibited by Arthur Slade, one of your Deputies against Jeremiah Foolsom, for cutting ten white pine trees without H.M. licence first had and obtained ; I am commanded to inclose to you a copy of Dr. Sayer's opinion thereupon whereby you will perceive that the person who prepared the information against Foolsom laid the foundation for the decree as it is pass'd, by admitting the said trees to have been cut within the township of Exeter which does not appear to have been an offence within the Statute upon which the information was grounded. You will therefore be more cautious for the future in any prosecution upon the foot of this Act : But as that pass'd in the second year of His present Majesty's reign entitled an Act for better preservation of H.M. Woods in America

1731. [49]

etc., is much more explicit, I am commanded to send you a copy thereof for your better guidance in this particular. P.S. Since the writing of this I have received and laid before my Lords Commissioners your letter containing a narrative of your proceedings from 17th Nov.—2nd Dec., which they will take into consideration as soon as possible *etc.* [C.O. 218, 2. pp. 227–236.]

Feb. 11.
Jamaica.

50. Governor Hunter to the Duke of Newcastle. *Acknowledges* letter of 30th Nov. *etc.* *Continues*: The officers and soldiers are in good health and condition. I wish they may continue so. But neither tents or cloathing of Col. Hay's regiment is as yet come, but as he says expected daily. *Repeats parts of preceding.* *Continues*:—A negro woman lately taken (v. 23rd Jan. *encl.* iii) and who has been some years with the rebels confirms the account we had of their correspondence with the Spaniards of Cuba. Three of them lately being hotly pursued and despairing of an escape cutt their own throats and that of a negro woman they had carried off from a plantation. *Encloses* duplicate of 23rd Jan., and the original of the letter (23rd Jan., *encl.* iv) "from the Head of our Missionarys" *etc.* "He perhaps may make some discovery that may be of use to us here." *Continues*:—I think I ought to ask pardon for the trouble of the inelos'd question offer'd by the Head of their polititians to the Assembly, but it may serve for a specimen of their learning as well as good intentions *etc.* *Encloses Address.* (*enc.* ii). *Signed*, Ro. Hunter. *Endorsed*, R. 16th April. 4 $\frac{3}{4}$ pp. *Enclosed*,

50. i. Question offered by Mr. Arcedeckne. Whether such of the Regiments as shall be inclin'd to enter into a civil life or serve the planters may do it and that it shall not be in the power of the Commanding Officer to hinder them but that their cloaths and arms should be preserved for and return'd to them whenever H.M. pleased to recall them, or order them upon military duty. *Copy.* $\frac{1}{2}$ p.

50. ii. Address of the Council and Assembly of Jamaica to the King. We *etc.* are highly sensible of your paternal care, in so early providing for our security, by ordering two regiments of soldiers to be sent over to assist us *etc.* This instance of your tender concern for us, must engage us to express our gratitude to your Majesty on all occasions to the utmost of our power *etc.* *Copy.* 1 $\frac{1}{3}$ pp.

50. iii. Duplicate of *encl.* i. [C.O. 137, 53. ff. 312–314, 316, 317, 317v., 319, 320.]

Feb. 11.
Jamaica.

51. Governor Hunter to the Council of Trade and Plantations. By this conveyance of the *Enterprise*, Capt.

1731. [51]

Smith, Comr., I have the honour to acquaint your Lordships that Capt. Dent arrived here on the 7th of this month with four of the transports, the other two being arriv'd three days before ; the officers are in good health *etc.* The Assembly now sitting are come to some resolutions towards providing for them, viz., that 20s. per week be paid to the commissioned officers and 5s. to private men after the provisions brought hither with them are expended, for the Officers, from the day of their arrival here. They have also resolv'd that 10*l.* pr. head be paid to officers and soldiers for every rebel slave by them kill'd or taken alive and are now preparing bills for the additional duty for one year and a capitation of a shilling on slaves and three pence on cattle for that expense besides the deficiency bill. I had before their coming ordered all the houses that could be had at Port Royal to be hired for their reception on their landing, but these upon the view of their Quarter-Masters not being sufficient ; their Officers thought it adviseable that they should continue on board for a day or two till we could provide better, but hearing that they began to sicken on board, I have ordered them to be landed forthwith and what we cannot lodge at Port Royal to be sent to Kingston that we may discharge the transport. The *Tartar* was sent to cruize to windward with orders to the Officer commanding to detach six companys directly for Port Antonio to save time and expense. They escaped him, I suppose in the night and the cruizer is not yet return'd, but that number shall be convey'd thither speedily, having on my first advice ordered hutts and barracks to be built for them there, where they are much wanted, the chief strength of the rebels being near to that place. On the first of this month our Country party fitted out for another attempt on these slaves set sail from Port Royal for Port Antonio, under convoy, I have heard nothing of them since, and expect little good from them, their Commander of whom I had a very good opinion being arrested contrary to law for a petty debt, and whilst in custody in the Deputy Marshal's house barbarously murdered ; for which the Marshal and his men are now in gaol in order for their trial next Court. I am now very much busied in giving orders for the repartition of the soldiers, it being judg'd by the Council, and Assembly most for the service of the Island that they be barrack'd in several different parishes. I hope (by Capt. Dent who is to sail in a short time) I shall be able to transmitt to your Lordships the acts of this session *etc.* P.S. Capt. Brook who had the command of the late party *etc.* (v. 24th Dec.), has been mulct of his pay. *Signed, Ro. Hunter. Endorsed, Reed. 19th, Read 21st April, 1731. 4 pp. Enclosed,*

51. i. Speech of Governor Hunter to the Council and Assembly. *Announces* despatch of two Regiments from Gibraltar *etc.* As their established pay is far from being sufficient for their subsistence in a country

1731. [51. i]

where provisions are so dear, H.M. makes no doubt but that they will make provision for their subsistence and lodging *etc.* *Endorsed as preceding.* *Copy.* 2 $\frac{3}{4}$ pp. [C.O. 137, 19. ff. 16–17v., 18v.–20v.]

Feb. 12.
Virginia,
W^mmsburgh.

52. Lt. Governor Gooch to the Council of Trade and Plantations. *Refers* to account of negro conspiracy (v. 14th Sept., 1730). *Continues*: Since which the negros, in the countys of Norfolk and Princess Anne, had the boldness to assemble on a Sunday while the people were at church, and to chuse amongst themselves officers to command them in their intended insurrection, which was to have been put in execution very soon after: But this meeting being happily discovered and many of them taken up and examined, the whole plot was detected, for which the major part of them were severely punished, and four of the ringleaders, on full evidence convicted, have been executed. This, with the imprisonment and correction of some of the most suspected in the other parts of the country, where the designs appeared not so far concerted, have brought them now to be very quiet and submissive: But as we cannot be too much on our guard against such desperate combinations, I have ord^red the Militia to patrol twice or thrice in a week to prevent all night meetings, and every man to bring his arms to church on Sundays and Holydays, lest they should be siezed by the slaves in their absence, if the same mutinous spirit should be revived amongst them *etc.* By the death of Colo. Page *etc.*, there is a second vacancy at the Council Board; I hope the first is or will be speedily filled up by H.M. appointment of Colo. Harrison whom I formerly recommended: and I must heartily wish the second might be supplied by the choice of Colo. Henry Armistead, a gentleman of a fair fortune and character, and of the same county in which Colo. Page lived; and I am the more sollicitous for Mr. Armistead because that county of Gloucester is the most populous, and where there are more negros than any other county in the Government, and hath always had one sometimes more of the Council residing in it, who had the direct command of the Militia, which in all probability would not be very easie if put under the conduct of another who had no estate or interest there. For these reasons, as well as out of regard to the merit of Mr. Armistead I humbly recommend him *etc.* But if Mr. Corbin's friends have prevailed, and he is preferred to Colo. Harrison, or they still insist on his being one of the Council, I must then intreat your Lordships to interceed for Mr. Harrison in the place of Colo. Page, postponing Mr. Armistead until another opportunity; since the interest of the former in a frontier county, bordering on the Indians, and where their impressions are generally directed, may bring more advantage to the publick service, than the inconveniency which may happen in the other county by Mr.

1731. [52]

Armistead's present disappointment, if we must have Mr. Corbin. I doubt not, my Lords, there are other persons here who on this vacancy will endeavour (by some pretence or other, or by forming of an interest among the merchants, perhaps a more powerful application) to succeed Colo. Page. And I am apprehensive lest some posse[s]t with the ambition, whom I never should have thought fit to insert in my list, do yet expect to obtain it by an interest at home. But I beg your Lordships will be pleased to allow some difference between a Governour's personal knowledge and observation of the conduct and qualification of men here on the spot, and the superficial knowledge that can be attained by others, from an epistolary correspondence; or the judgment that can be framed of any person's abilities in the Legislature of a country, and in dispensing of Justice or the conducting affairs of Government, merely from the weight of his consignments. My Lords, the office of a judge of the General Court, ought always to be considered in the choice of a Councillor; and it is the duty of a Governour to propose none to be his assistants in the administration, but those whom he knows zealous for H.M. service, and well disposed to promote the publick good (especially now we are like to be under a new law with respect to our trade, in which H.M. interest is so much concerned) and admitting that he may sometimes be mistaken in his men, it must be allowed strangers are more liable to be imposed on; and I cannot but lay it down as a principle founded on reason and prudence, that in the choice of gentlemen for publick offices, private affection ought not to be concerned, unless there be sufficient ability and integrity in the person to execute that trust, *etc.* Signed, William Gooch. Endorsed, Reed., Read 14th May, 1731. *Holograph.* 2½ pp. [C.O. 5, 1322. ff. 160-162, 163, 163v. (with abstract).]

Feb. 12.
Whitehall.

53. Council of Trade and Plantations to Governor Belcher. We take this opportunity of a ship weh. sails this evening to acknowledge ye receipt of your letter of 10th Dec. with ye bill for settling yor. salary *etc.* We think you did very well not to give your assent to ye said bill, as it does not agree with ye tenor of H.M. Instruction, and we desire you will be very cautious how you consent to anything that shall not be strictly conformable thereto. As you say, you have a reasonable prospect of their doing the matter still better, at ye Session which was to commence 16th Dec., we shall waite yor. next letters, before we make our report to H.M. upon this subject. [C.O. 5, 916. p. 401.]

Feb. 14-
March 20.

54. Extracts of letters from Col. Hayes, Col. Townsend, and Col. Cornwallis, Port Royal, Jam. [C.O. 137, 53. ff. 320-324v.]

1731.
Feb. 14. **55.** Governor Rogers to the Duke of Newcastle. Duplicate
New of same to Council of Trade, 10th Feb. *supra, mutatis mutandis.*
Providence. *Signed, Woodes Rogers. 2 large pp. Endorsed, R. April 24th.*
2 large pp. Enclosed,
55. i. Journal of Assembly of the Bahama Islands, Sept.
29, 1729—Dec. 8th, 1730. 55 pp.
55. ii. Deposition of Thomas Nusum, late master of the
sloop *Carolina* of New Providence. Feb. 14, 1731.
On 6th Oct., bound for Jamaica, he was taken off
Tortuga on the coast of Hispaniola, by a large sloop
under Spanish colours with 65 men, *etc.* He found
on board Capt. Samuel Wickham and eight more
Englishmen who said they had been taken by the said
Spanish crew in this sloop then called the *Sea Nymph*
bound from Jamaica to Rhode Island laden with
molasses. They were carried into Barracoa on Cuba
and there the sloop was condemned, refitted, and
renamed the *St. Antonio*. Deponent was told they
had taken and plundered the *Scipio* of Bristol. On
deponent's informing the Captain, Juan Fandino,
that there was peace between the English and Spaniards,
the interpreter made answer that the Captain had
notwithstanding three or four commissions and took
all vessels he met with. Deponent and his crew and
Capt. Wickham and five of his men were put ashore
on Grand Coicos on Oct. 9th whence they were taken
off on 9th Nov. by a Bermuda sloop, *etc.* *Signed,*
Thos. Nusum. 1½ pp.
55. iii. Remarks on the condition of the fortifications at
New Providence, 25th Aug., 1729. *Copy. 2½ pp.*
[*C.O.* 23, 14. *ff.* 148–175, 177, 177v., 178v.–179v.,
180v.–182.]
- Feb. 19. **56.** Mr. Popple to Mr. Fanc. Encloses acts of Antigua,
Whitehall. *constituting a Court of Chancery (1715), and an Act to supply*
the defects of an act for constituting a Court of Chancery etc.
*(1728). Continues:—*Their Lordships desire you will reconsider
these two acts, and let them have your opinion in point of law
whether his Majesty may not, by virtue of an Instruction to
his Govr. or otherways, prevent his granting or dissolving
injunctions in causes depending in Antigua, whilst he is resident
in any other island of his Government, notwithstanding the
clause in the aforementioned act of 1715 whereby it is enacted
“that all injunctions, subpœnas and other process issuing out
of the said Court, shall be granted, sign'd and sealed by the
Capt. Gen. or Govr. in Chief for the time being, as hath been
usual, and no otherwise.” [*C.O.* 153, 15. pp. 69, 70.]

1731.

Feb. 20.
St.
Christophers.

57. Lt. General Mathew to the Duke of Newcastle. In obedience to H.M. commands, which I received 25th Sept., I immediately issued proclamations throughout this Government, informing all H.M. subjects here, whose ships or effects had been pyratically taken, where and in what manner they might apply for redress. I have had no application made to me since for such redress, but in one case of a shallop drove on shore in distress on Guadeloup with three men in her, who lost their ship in the night, where she was seiz'd tryed and condemnd. The men here applyd to the Judge of the Admiralty, and on their declaring the facts, he gave them a declaratory sentence. With this Capt. Barnesley, H.M.S. *Scarborough*, went to Guadeloup to demand restitution. But in vain, *etc.* *Signed*, William Mathew. *Endorsed*, R. April 28th. *Holograph*. $1\frac{3}{4}$ pp. [C.O. 152, 43. ff. 143, 144, 144v.]

Feb. 20.
St.
Christophers.

58. Lt. General Mathew to Mr. Popple. Encloses letter to be laid before the Board and refers to enclosures. Has forwarded the packet to Dr. John Edwards mentioned in his letter of 29th Oct. *etc.* *Signed*, William Mathew. *Endorsed*, Reed. 27th April, 1731, Read 25th July, 1733. *Holograph*. 1 p. [C.O. 152, 19. ff. 170, 173v.]

Feb. 20.
St.
Christophers.

59. *Same* to the Council of Trade and Plantations. *Encloses* duplicates of 19th and 24th Nov. last, and *acknowledges* letter of 22nd Oct. Has entered in the Council books their determination in relation to the controversy between Wavell Smith Esq. and the Assembly. *Continues*:—As your Lordships direct, I now send to your Secretary directly, duplicates of the Naval Officer of Nevis's lists of all vessells trading to and from Nevis, and their lading from 25th June, 1720-1729; duplicate of Minutes of Council of Nevis, 5th Jan., 17 $\frac{29}{30}$ —25th Aug., 1730; Journal of Assembly of St. Christophers from the 31st Oct., 1729—26th Nov., 1730; Minutes of the Council of St. Christophers from 18th Sept., 1729—18th March, 17 $\frac{29}{30}$; and from 28th March—17th Septr. And I inclose herewith the latitudes and longitudes of several of the islands in this Government, weh. I got Capt. Barnesley, Commander of H.M. ship *Scarborough* stationd. here to get me taken from the observations of himself and officers. *Signed and endorsed as preceding.* *Holograph*. 2 pp. [C.O. 152, 19. ff. 171, 172, 172v.]

Feb. 20.
Whitehall.

60. Mr. Arnold to Mr. Delafaye. *Encloses* following to be laid before the Duke of Newcastle. Mr. Noden says that the original has been lost and that no directions will be sent from his Grace's Office for recalling the Bermuda Compa. from the Bahama Islands *etc.* *Signed*, Rd. Arnold. 1 p. *Enclosed*,

60. i. Sir W. Strickland to Lord Harrington. Whitehall. 5th Dec., 1729. Great numbers of merchants trading

1731. [60. i]

to and from Bermuda, having in their petition to the King represented that since the Independant Company of Foot *etc.* was removed from thence in Feb. last to the Bahama Islands, the negroes who are more numerous than the white people have destroyed many of H.M. subjects by poison and many more are lingering under that misfortune whose lives are despaired and altho' some of the actors of that horrid villany have been discovered, convicted and publicly executed in a severe manner for the same, they continue to meet in numbers in a most mutinous manner, which the said merchants conceive to be with an intent utterly to exterminate the inhabitants in that Colony, which will undoubtedly prove of the most fatal and dangerous consequences to the whole trade of the King's Dominions in America, the said merchants have thereupon most humbly besought H.M. to recall the said Company to Bermuda and H.M. has been graciously pleased to grant their request *etc.*, and therefore hath commanded me to acquaint your Lordship therewith to the end your Lordship may signify H.M. pleasure to Governor Rogers *etc.* to send back the said Company by the first opportunity *etc.* or by the man of warr on that station *etc.* *Signed*, Wm. Strickland. *Copy.* 1½ pp. [C.O. 37, 26. Nos. 41, 41 i.]

Feb. 22. **61.** Governor Montgomerie to the Duke of Newcastle.
New York. Has appointed Edward Clarke, son of the Secretary of the Province, a man of great merit, Lieutenant of Capt. Henry Holland's Company. *Continues* :—The giving some commissions in the companies doing duty here, to gentlemen of this country, will very much promote the King's service *etc.* *Requests* confirmation. *Signed*, J. Montgomerie. 1¾ pp. [C.O. 5, 1093. ff. 160, 160v.]

Feb. 22. **62.** Mr. Leheup to the Council of Trade and Plantations. H.M. Lt. Governour in Virginia having directed me as Agent for that Province to apply for H.M. royal confirmation of the act *for amending the staple of tobacco etc.*, offers answers to the objections of the Commissioners of Customs *etc.* (v. 29th Dec., 1730). They were framed upon hearing one side only without the Agent's being made acquainted with them till a copy of the letter was sent to him signed, though he had applied and attended for that purpose *etc.* *Repeats* Lt. Governor Gooch's arguments v. 23rd July, 1730. *Replies* he could not have any other view in recommending this act than remedying the great frauds in the tobacco trade *etc.* (i) As the Gentlemen of the Assembly are planters, they are the best judges of the benefits

1731. [62]

that will accrue to their trade from this law. The 3*s.* Virginia money to be paid for inspecting and nailing the hhds. *etc.* is a very small additional expence. Planters already pay 2*s.* or more for nailing and weighting. It was so far from being intended to discourage the lower planters that the only act that might affect them was repealed at the time of making this, that of limiting the number of plants to be raised by each tythable. (ii) Mr. Carkesse omits mentioning that the Crown pays $\frac{1}{2}$ *d.* pr. lb. for all the bad tobacco burnt here. The Crown will be saved this and the planter the freight *etc.* The bad sort is so far from being most in request here, that the buyers here will not give more than the duty for it, the consequence of which is that the importer is obliged to send it abroad and then the whole duty is drawn baek and lost to the revenue. (iii) The master is obliged by the Act of Parliament to swear to the marks and number of hhds. on board, but they never swear to the weight, which is most material to the revenue *etc.* The Lt. Governor thought he had done eminent service to the revenue in passing this act. It is continued only for three years, in which time the advantage from it will manifestly appear. *Prays* the Board to recommend it for confirmation *etc.* *Signed*, Peter Leheup. *Endorsed*, Recd. 22nd, Read 23rd Feb., 173 $\frac{1}{4}$. 4 $\frac{1}{2}$ pp. [C.O. 5, 1322. ff. 95-97, 98v.]

Feb. 24. **63.** Mr. Popple to John Oxenford. Requests an account
Whitehall. of sugar, rum and molosses imported into this Kingdom from Nova Scotia, New England, New York, New Jersey, Virginia, Maryland, Carolina and Pennsylvania, from Christmas, 1725, to as near the present time as the books are made up, as soon as possible, distinguishing each year and from whence imported. [C.O. 29, 15. p. 224.]

Feb. 24. **64.** Mr. Popple to Governors of Plantations. Circular
Whitehall. letter to all Governors, enclosing opinion of Attorney and Solicitor General upon fines and recoveries *etc. v. supra.* [C.O. 324, 11. p. 242.]

Feb. 26. **65.** Mr. Oxenford to Mr. Popple. Encloses following.
Ships from Nova Scotia and New Jersey are omitted as they generally make their entries from the adjoining ports. *Signed*, John Oxenford. *Endorsed*, Recd. 26th Feb., Read 21st May, 1731. 1 p. *Enclosed*,

65. i. Accounts of imports of rum, sugar and molasses from New England, New York, Virginia, Maryland, Carolina, and Pensilvania, 1725-1729. 2 pp. [C.O. 5, 872. ff. 94, 96v., 97, 99v.]

Feb. 27. **66.** Duke of Newcastle to the Council of Trade and
Whitehall. Plantations. Upon your Lordship's recommendation to me

1731. [66]

of Col. Dunbar to succeed Mr. Wentworth, *etc.*, I moved H.M. to grant him that employment; But having since received from Mr. Belcher *enclosed* further account of the disputes between him and Col. Dunbar, which perhaps may make that affair appear in a different light from what it did by the former letters, I must desire that you will consider them, and let me know whether you are still of the same opinion as to Col. Dunbar's having that Government; and in the mean time I have ordered, that his Commission for it should not be delivered out till I have your answer. *Signed*, Holles Newcastle. *Endorsed*, Recd. 2nd, Read 3rd, 172^o. 1 p. *Enclosed*,

66. i. Copy of Jan. 11. Belcher to Newcastle. *Endorsed*, Recd. 2nd March, 173^o. 4 pp.

66. ii. Copy of Jan. 14 ditto. *Endorsed as preceding*. 5 pp.

66. iii. Deposition of Capt. Heath, Commander of H.M. Fort Richmond in Kenebeck River. Boston, Dec. 14, 1730. *Describes* visit to Pemaquid with Lt. Gov. Tailer *etc.* *Signed*, Joseph Heath. *Endorsed as preceding*. 2 pp.

66. iv., v. Copies of Jan. 11. Encl. ii, iii. *Same endorsement*. 3 pp.

66. vi. Certificate that the following are authentic copies *etc.* *Signed*, J. Willard, Secretary. $\frac{3}{4}$ p.

66. vii. Minutes of Council and Assembly of the Massachusetts Bay, 30th May, 1716. Resolved that for the more convenient administration of Justice all the lands, familys and settlements within this Province to the eastward of the Province of Maine shall be annexed to the county of York and shall be part of the same *etc.* *Copy*. $\frac{2}{3}$ p.

66. viii. Copy of Jan. 11. Encl. i. *Same endorsement*. 11 pp.

66. ix. Copy of Instructions given by Governor Belcher to Lt. Governor Tailer and others to view and report the state of the several fortifications, with an account of what passed at Frederick's Fort or Pemaquid between them on that occasion. *Same endorsement*. *Copy*. 24 $\frac{1}{2}$ pp. [C.O. 5, 872. ff. 22, 23v.-25v., 26v.-29, 30v.-31, 32-35, 36, 37-55, 56v.]

Feb. 27. 67. Lt. Governor Gooch to the Council of Trade and Plantations. Having last night received a copy of a report transmitted to your Lordships from the Commissioners of H.M. Customs *etc.* (v. 29th Dec. 1730). I am greatly surprised to find that Board influenced by the misinformations of persons, who either know nothing of the tobacco trade, or wilfully misrepresent it *etc.* *Offers some* remarks on their report, which will convince all indifferent judges, that this act for amending the staple of tobacco will really increase H.M. revenue. *Answer* to 29th Dec., 1730. (i) Almost all the tobacco made by

1731. [67]

the common people, (and they make the best), is sold to the merchants in this country and the factors from the out-ports, for cloathing and other necessaries which the planters want *etc.* Their manner of dealing hitherto hath been that if a planter wants but a pair of shoes at one of these stores, he must lay out a whole hogshead of tobacco, seeing the merchant will not receive a less quantity, neither will he deal at all, unless the tobacco lyes convenient to his Receiver; and by this means the poor planter is often obliged to take goods that are of little or no use to him, and at what price his neighbouring storekeeper pleases to impose, because he cannot otherwise have what he really hath occasion for; This has indeed proved a discouragement to many industrious people, and must in time obliged them to leave off planting, and apply their labour to better purpose. But by this act the greatest encouragement is given to the common people to make tobacco that could be then thought of: for after their tobacco hath passed an inspection, they may take as many notes for it as they please; i.e., notes for fiftys or hundred pounds, dividing their tobacco into what parcels they think proper; these notes, the same as money, will be accepted as payment at any store or shop, and as it is much easier for a planter to carry home his goods, than to remove his tobacco to the conveniency of the merchant, he will not henceforward be confined to one particular merchant, but will be at liberty to deal where he can meet with the best goods and the best purchase. These advantages being what the common planters see their account in, they are, and will be, more particularly fond of the method proposed for payment in these transfer notes, and will thereby be incited to apply themselves to this manufacture with greater attention than they have hitherto done, under the disadvantage of being stinted in their plants, a low price and an useless return. As to lessening the consumption by advancing the price, I can see no ground to apprehend such a consequence: for since the rich and even people of middling fortunes will ever be fonder of smoking good than bad tobacco, be the price what it will; so custom having made smoaking as necessary as food to the labourer and mechanick, it will not be an half-penny, or penny pr. pound that will lessen the consumption of what they find necessary to the gratification of their desires: but 'tis rather to be expected that a more agreeable tobacco will draw them into a greater inclination to use a much larger quantity: Besides, that which is sold at a very low price in England, to the poor people, is not tobacco, but the stalks flatted and cut up by the tobaccoists. A commodity which ought not to be vended, the prohibiting whereof must be submitted to the wisdom of the British Parliament. (ii) This is answered by the fact that the poor planters make the best tobacco *etc.* *Believes* there was the same quantity of tobacco consumed in England when it was sold at

1731.

[67]

10*d.* pr. lb., as now, when it is sunk to 8*d.* or 7*d.* If there is no tobacco so bad as to deserve to be burned as unmerchtable, the King's revenue must be increased proportionately *etc.* *Further discussion* of fraudulent running of tobacco *etc.* *Continues* : I must now beg your Lordships to consider some of the consequences which must unavoidably follow the disallowance of this act. (i) As the Tobacco trade is sunk to that degree that abundance of the planters are no longer able to live by it, and are in some hopes of relief from the regulations now proposed, if that fails, they must of necessity leave off planting or starve for want of cloathing and tools to work with. (ii) The last session there was a considerable party in the House that opposed this act, also strongly insisted on reducing the quantity of tobacco to be planted to no more than 3000 plants for each tithable, which in the most favourable year would hardly amount to 20,000 hhds. But as I assured them I could pass no such act, I had the good fortune, I must still cal it so, to prevail with them to try this experiment, in which everybody here sees how much the interest of the revenue has been considered, and if we are so unhappy to be disapointed in this, I know no other expedient, consistent with H.M. interest, to keep up the spirits of the people from sinking into despair of ever being able to retrieve the miserable circumstances into which the continued bad price of their tobacco for several years past hath plunged them. And it is to be feared that many poor famillys will desert the country and retire to the new settlements that are making in Carolina to get out of the reach of their creditors. And what effect this must have on H.M. revenue as well as the British trade, I humbly submit to your Lordships. I cannot but express my concern, with an aching heart my Lords, that any private representation of the state of this Colony, or the interest of the people, with regard to H.M. advantage, should have more weight with the Commissioners of the Customs, than the united and deliberate sentiments of the whole Legislature : and for my own part, tho' I had some share in carrying this act in the Assembly, yet, I shal be contented to own myself in the wrong, if any just arguments can be brought against it, but hitherto I have heard of none. Some are prejudiced against it from private interest ; others fancie they know more of the trade than they really do, *etc.*, and a few, who being used to a beaten path of business, are unwilling to go out of their way, tho' they are led in to a better and an amended road. Before I conclude your Lordships will suffer me to do justice to myself. Under the late repealed law of a stint (*of 6000 plants per tithable etc.*), the country in a favourable year made 40,000 hhds. of good and bad tobacco which was constantly sent to Great Britain. All rents, and publick dues, as the Parish, the Country, and the Country levies, which the planters are to discharge by an equal tax pr. tithable, were paid,

1731. [67]

it will be believed, not with their best tobacco; insomuch, to instance in one article only, the King's quit-rents, tobacco, with the inconveniency the buyers were under in collecting such tobacco, was generally sold from 3s. to 5s. pr. cwt. at the same time that the current price all over the country was 10s. and 12s. at least. Under this new law, which leaves every planter at liberty to make as much tobacco as he can, it is taken for granted, that the Colony in a seasonable year will make about 60,000 hhds., and 'tis imagined, if the Inspectors do their duty, that one fifth part or more will be destroyed as trash. By which method the 45,000, or it may be 48,000 hhds. passed will be all very good and fit for any market, and out of this the quit-rents and all other dues will be paid, and the publick tobacco will then sell for as much money in the country or elsewhere, as any other. 'Tis also proposed, that by the goodness of the tobacco we shal encourage an increase of the consumption: and this act, my Lords, as far as we are able to guard against frauds, secures the duty of all that is consumed in G. Britain to the King *etc.* *Maintains that the advantages of the Customs and the interest of the people are so linkt together by this apt disposition, that 'tis impossible for man to devise a better.* The delay caused will prevent the first year being a proper trial, but if any defects are revealed, future Assemblies will remedy them *etc.* *Signed, William Gooch. Endorsed, Reed. 10th, Read 12th May, 1731. Duplicate, 30th March, 1731, by the Mayflower of Bristol etc. 6 $\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 149-152v.]*

Feb. 27.
Custom ho.,
London.

68. Mr. Manley to Mr. Popple. Mr. Fitzwilliams having informed the Commissioners that by order of the Lords Commrs. of Trade he attended them in relation to a law passed in Virginia for *amending the staple of tobacco etc.*, when a memorial of Mr. Leheup was read, wherein he alledges that he had not an opportunity to be heard by the Commrs. of Customs *etc.* (v. 22nd Feb.) *request* copy for their information *etc.* *Signed, Jno. Manley. Endorsed, Reed. 27th Feb., Read 3rd March, 1731. Addressed. 1 p. [C.O. 5, 1322. ff. 99, 100v.]*

Feb. 27.
Whitehall.

69. Duke of Newcastle to Lt. Governor Mathew. *Encloses following. Concludes:—*The effects of the *Catherine* sloop are to be kept safely till H.M. further orders *etc.* *Signed, Holles Newcastle. 1 $\frac{1}{4}$ pp. Enclosed,*

69. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. Admiralty Office, 17th Feb., 1731. *Request* order as above, the effects of the *Catherine* having been seized by H.M.S. *Pearl* at Antego and there condemned as private goods, and that matter being soon to be laid before H.M. in Council, on

1731. [69. i]

appeal granted by the Court of Chancery in those parts *etc.* *Signed*, Jo. Cokburne, Cha. Wager, A. Hamilton. *Copy.* 1½ pp. [C.O. 152, 43. ff. 145, 145v., 147, 147v.; and 324, 36. pp. 262-264.]

Feb. 27.
St. James's.

70. H.M. Commission appointing David Dunbar, Lt. Governor of New Hampshire in the room of John Wentworth, decd. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 36. p. 267; and 324, 49. f. 68; and 325, 50. pp. 57, 58.]

March 1.
Office of
Chelsea
Waterworks
in Scotland
Yard.

71. Mr. Eden to Mr. Popple. Encloses remarks on Acts of Bahama Islands "delivered into yor. office some time since." (v. March 28, 1733). *Signed*, J. Eden. *Endorsed*, Reed. 1st March, 1734. 1 p. *Enclosed*,

71. i. Remarks on 12 Acts of Assembly. Criticises some details, and objects especially to the Act *for levying divers sums to defray the expence of the island*, the taxes proposed being extravagant, and will be detrimental to trade *etc.* In the Act *for better governing slaves*, evidence of one black is not sufficient in cases of life *etc.*, *etc.* 4 pp. [C.O. 23, 3. ff. 60, 61-62v., 63v.]

March 1.
Boston.

72. Governor Belcher to the Duke of Newcastle. By all opportunities I have done myself the honour of transmitting to your Grace the account of my proceedings *etc.* *Continues* :— Since my last I have conven'd a new Assembly, which has been sitting near three weeks. *Encloses* Journal. They have still under their consideration the matter of the Govr.'s support and what they will finally do in it, I am not able to say. But according to the best judgment I can make, I don't expect they will do anything that will come nearer to the King's Instruction, than what was done by the last Assembly. As I have not been wanting to do everything in my power for the King's honour and service, so I am still determin'd to pursue my duty to the King in all the ways I possibly can *etc.* The Agent will wait on your Grace with the copy of the process of the Courts against the rioters mentioned 14th Jan. *etc.* *Continues* : I don't suppose Collo. Dunbar's pride and malice would stick at anything (whether true or false) he thought would hurt me, so I hope your Grace will prevent any orders to me for the future from anything Collo. Dunbar may write till I am serv'd with a copy to make answer *etc.* *Repeats request* for leave to sign Act of N.H. *for emitting 6000l. etc.*, and asks that Benjamin Gambling, a gentleman of good vertue, estate and capacity, and perfectly well attacht to the King may be appointed to the Council in that Province. *Signed*, J. Belcher. 3 pp. [C.O. 5, 898. No. 82.]

1731.

March 1.
Boston.

73. Governor Belcher to the Council of Trade and Plantations. *Repeats preceding, mutatis mutandis. Adds:—* Hopes to send answers to the Board's Queries (10th June) by next conveyance *etc.* *Signed, J. Belcher. Endorsed, Reed.* 21st April, Read 9th June, 1731. 3 pp. *Enclosed,*

73. i. Opinion of the Attorney of the Massachusetts Bay, 13th Jan., 1731, on the trial of Samuel Hamble, Thomas Lemont and two others, convicted for a notorious riot in Sept. last, having seized a schooner belonging to one Grover, who had put on board some staves cut on a place possessed and improved by Grover, his father and grandfather for 30 years, Lemont *etc.* on a written order from Alexander Hambleton, an officer under Col. Dunbar, who required him to stop all such timber as should be cut and transported from such a place without Col. Dunbar's permission. They carried the schooner and stores into Pemaquid harbour. Grover and his crew fled in fear of their lives owing to their threats. The vessel continued there till she was seized by Major Moulton, High Sheriff of the County of York, who apprehended the rioters *etc.* *Agrees that this was not an act of piracy or a felonious taking, but a riot etc.* *Signed, J. Overing. Endorsed, Reed.* (from Mr. Wilks), 21st April, 1731. 6 pp.

73. ii-xvi. Papers relating to above trial. The rioters having been committed for trial at the General Court Sessions (25th Sept.—14th Oct., 1730), were on 5th Jan., 1731, sentenced to fines of 20*l.* to 15*l.* each and three months imprisonment, with costs, 233*l.* 14*s.* 6*d.* *Endorsed as preceding.* 21 pp. [C.O. 5, 872. ff. 180–182v., 183v.–186v., 187v., 188v., 189, 190v., 191, 192v.–194, 195, (*with abstract*), 196, 196v., 197v., 198, 199, 200, 201, 202, 203, 204, 205, 206, 206v. (*with abstract*).]

March 3.
Whitehall.

74. Mr. Popple to Mr. Carkesse. In reply to 27th Feb., encloses copy of Mr. Leheup's memorial *etc.* *Continues:—* My Lords Commissioners will be very glad to receive such further assistance from them, upon this subject as they shall think proper, for which reason their Lordships defer making any report upon the aforesaid law, untill they shall hear again from them. [C.O. 5, 1366. pp. 58, 59.]

March 5.

75. Order of Committee of House of Commons, appointed to consider the petitions concerning the Sugar Colonies, for a copy of a representation from Mr. Colden relating to the trade of Canada *etc.* *Signed, J. Rushout.*⁽¹⁾ *Endorsed, Reed.* 5th, Read 6th March, 1731. $\frac{2}{3}$ p. [C.O. 323, o. ff. 56, 57v.]

(1) Sir John Rushout.

1731.

March 5.

76. Mr. Fane to the Council of Trade and Plantations. *Reply to Feb. 19.* I have reconsidered the acts of Antigua *referred to*, and am humbly of opinion that H.M. cannot by any instruction to his Governor vary or alter an Act of Assembly ratified by the Crown, nor can H.M. in my humble apprehension by virtue of an Instruction which the act of 1715 is observed prevent his Governor granting or dissolving injunctions in causes depending in Antigua whilst he is resident in any other island of his Government. Because as I am informed this practice prevailed long before the act of 1715 took place: and I take it that what was the usage in this particular before the act of 1715 is now by that act become a law of the island. It being enacted by that law that all injunctions, subpœnas and other process shall be granted signed and sealed by the Governour *as hath been usuall and no otherwise*, and I know no method of altering it, but by a subsequent law, and I begg leave to observe to your Lordships that all regulations and amendments of the law here have been made by Act of Parliament. *Signed, Fran. Fane. Endorsed, Recd. 6th, Read 9th March, 1731. 1 $\frac{3}{4}$ pp. [C.O. 152, 19. ff. 29, 29v., 30v.]*

March 5.
Whitehall.

77. Council of Trade and Plantations to the Duke of Newcastle. *Reply to 27th Feb. Continue:—*We do not find anything in the papers your Grace has sent us, that shoud incline us to alter our sentiments upon this subject, for notwithstanding Mr. Belcher does in his letter deny that he ever had any intention to march with an armed force in order to demolish the fort at Pemaquid, and carry away the people prisoners from thence, yet he does not deny that he ever told Colo. Dunbar, that some Members of ye Assembly had such an intention, and he does likewise acknowledge that ye Sherrif of York County did march thither with his posse about that time, tho' upon a different occasion, which might very justly give Collo. Dunbar reason to be alarm'd, and he certainly would have been wanting in his duty to ye King, if in that situation, he had not apply'd to H.M. for an order to prevent hostilities till such time at least as H.M. title to that tract of land should be determined. It is not to be doubted but that Colo. Dunbar's Office as Surveyor of the Woods, as well as his Instructions for settling ye lands between Kennebeck and Croix must have rais'd him many enemies in ye Massachusetts Bay, where it is but too evident that every man who does his duty to the Crown, makes himself liable to ye ill will of ye people; and therefore stands in need of all the support the Government can give him from hence, for which reason it was, that we first beg'd your Grace's favour on his behalf, and for ye same reason we now take ye liberty to repeat that request, as apprehending that ye employment of Lt. Gov. of New Hampshire, may give him a little more credit and authority, than he is at present possessed

1731. [77]
of. *Autograph signatures*. 2 pp. [C.O. 5, 931. No. 20; and 5, 916. pp. 402, 403.]

March 8. **78.** Order of Committee of House of Commons, appointed to consider petitions covering the Sugar Islands, for a copy of a representation by the Council of Trade concerning the state of the Northern Colonies in 1721. *Signed*, John Rushout. *Endorsed*, Recd. 8th, Read 9th March, 1731. $\frac{2}{3}$ p. [C.O. 323, 9. ff. 59, 62v.]

March 9. **79.** Col. Hayes to [? *the Duke of Newcastle*]. Yesterday Port Royal. I lost my Major *etc.* *Requests* that his eldest Captain, Capt. Hely may be appointed to succeed him *etc.* I suppose you have heard of the defeat of the negros with an utter destruction of all their habitations by a party of the country people who attack'd them for an hour and a half without ever seeing one of them, att length enter'd the town and after plundering itt, laid itt in ashes, but took no one prisoner, this victory was obtain'd with the loss only of two men. I believe we may now naturally conclude the war is over in this country. To-morrow the companies of the two Regmts. march to the several quarters allotted in the country, which I hear a miserable account of. I have reason to beleive in some of them their will be wanting both provisions and lodgings *etc.* The men now begin to be verely sickly and die verely fast. By the inclos'd list of the quarters *etc.*, you'l find I have two companys quartered together, ownly, in one place, the rest are scater'd all over the island, some of them 200 miles asunder. When the Regiment is dispersed, I am certain I can be of no further use here *etc.* His health being very bad, *asks for leave to return etc.* *Signed*, Robt. Hayes. $2\frac{1}{3}$ pp. [C.O. 137, 53. ff. 326-327.]

March 10. **80.** Order of King in Council. Referring to the Council St. James's. of Trade and Plantations for their report, seven acts of the Massachusetts Bay submitted by the Agent of that Province. *Signed*, Ja. Vernon. *Endorsed*, Recd. 13th, Read 17th March, 1731. $\frac{3}{4}$ p. *Enclosed*,

80. i. Certificate by Governor Belcher that the following acts were passed Sept., Oct. 1730. (i) *For granting H.M. several imposts and tunnage of shipping.* (ii) *for apportioning and assessing a tax of 8000l. ; another of 240l. on several towns for not sending a Representative as by law they are obliged ; and another of 2351l. 15s. paid the Representatives in 1729 etc.* (iii) *An act directing how rates and taxes to be granted by the General Assembly as also country town and precinct rates shall be assessed and collected.* (iv) *for erecting the north easterly part of the town of Woburn and the westerly part of Reading into a township by the name of Wilmington.*

1731. [80. i]

(v) *for supplying the Treasury with the sum of 13,000l. pounds in bills of credit on this Province.* (vi) *for the ease of prisoners for debt.* (vii) *in addition to an act for regulating fees.* Signed, J. Belcher. $1\frac{1}{2}$ pp.

80. ii. Printed copies of Acts enumerated in preceding. 27 printed pp. [C.O. 5, 872. ff. 61, 63, 63v., 65-78v., 79v.]

March 10.
St. James's.

81. Order of King in Council. Referring to the Council of Trade and Plantations the letter of Governor Belcher, with act relating to his salary, Dec. 10th, 1730, for their report thereupon. Signed, Ja. Vernon. Endorsed, Recd. 13th, Read 18th March, 1731. $\frac{3}{4}$ p. Enclosed,

81. i. Copy of Dec. 10, Belcher to Newcastle.

81. ii. Copy of Act 1730 for support of H.M. Governmt. (v. Dec. 10, encl. i). [C.O. 5, 1872. Nos. 80-83v., 85v.]

March 10.
St. James's.

82. Order of King in Council. Dismissing the petition of Lt. Gov. Armstrong for a moiety of the salary of Governor Philips during the time he carried on the Government in his absence, the Committee having reported that the pay of Governor Philips arising not from any salary or perquisites in Nova Scotia, but being founded on the establishment of the land forces, this case is not within the jurisdiction of the Privy Council. Cf. A.P.C. III. No. 226. Signed, Ja. Vernon. Endorsed, Recd. 10th, Read 11th Aug., 1731. $2\frac{2}{3}$ pp. [C.O. 217, 6. ff. 35-36v.]

March 10.
St. James's.

83. Order of King in Council. Referring following to the Council of Trade and Plantations for their report thereon. Signed, Ja. Vernon. Endorsed, Recd. 16th, Read 23rd March, 1731. $\frac{3}{4}$ p. Enclosed,

83. i. Petition of John Ayscough to the King. Refers to his services as President of the Council of Jamaica. He was removed from the Council though a misapprehension of the Board of Trade that he was in England and did not intend to return. Being in hopes of recovering his health and returning to the island, requests that he be restored to his rank in the Council etc. Signed, J. Ayscough. Copy. $2\frac{1}{2}$ pp.

83. ii. Order in Council, 26th June, 1729, superseding Mr. Ayscough for above reason. Copy. $1\frac{1}{8}$ pp. [C.O. 137, 19. ff. 6, 7-8, 9, 9v., 11v.]

March 10.
Whitehall.

84. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their representation of 8th Sept., who are to discourse with the Lessees of the Bahama Islands about the surrender of their interest, etc. Signed, Ja. Vernon. Endorsed, Recd. 13th, Read 18th March, 1731. $\frac{3}{4}$ p. Enclosed,

1731.

84. i. Copy of Board of Trade report of 8th Sept.

84. ii. Copy of Lords Proprietors letter of 11th April.
[C.O. 23, 2. ff. 217, 218-219, 220, 220v.]March 11.
Custom ho.,
London.

85. Mr. Carkesse to Mr. Popple. *Explains* how the Commissioners' report was framed without hearing Mr. Leheup. They reply to his memorial (22nd Feb.). (i) As to the dirt, rubbish which it is alledged the planters often mix with their tobacco which tend to depreciate its esteem in foreign parts, the officers in this port have met with no such instance, and if the planters should do so, it would be no prejudice to the revenue or any advantage to the importer, for it is liable to the same duty as good tobacco. (ii) As to the great discoverys of frauds that have been lately made here, for which great number of officers have been dismist and others transported, the Commrs. have good reason to believe that the prosecutions carried on have put a stop to those frauds, but if not they do not apprehend that a law passed in Virginia, which can be of no force here, can be any ways serviceable in preventing them. (iii) As to ordinary or mean tobacco, the Commrs. are still of opinion if by virtue of this law the importation thereof shoud be lessened it will be prejudicial to the revenue, it paying the same duty as the best, tho' the revenue is not increased by what is shipt off, yet the trade is thereby increased with the Northern countrys they taking off great quantitys of this sort of tobacco. (iv) As to the $\frac{1}{2}d.$ per lb. which the Crown pays for all bad tobacco burnt here which charge Mr. Leheup says will by this act be saved, he is misinformed, for the $\frac{1}{2}d.$ by law is not to be paid for such tobacco as was damaged or unmerchantable in Virginia before it was ship'd here, but only for such tobacco as happens to receive damage by stress of weather or accident at sea *etc.*, which damage on ship board the Commrs. apprehend will be increased by the Inspector's breaking the tobacco after it is first packed before the shipping it being impossible to pack it up again so close as it was at first. (v) As to the Navall Officer sending over the exact quantitys of tobacco each ship takes on board, there being no penaltys laid by this law as was observed in my former letter, the Commrs. do not see any service that can be to prevent the running of tobacco in Great Britain. The other parts of Mr. Leheup's memorial relating to trade in general, and not to this revenue, the Commrs. do not think proper to make any observations thereon, but have directed Mr. Fitzwilliams, Surveyor General for the Customs of Virginia and other parts of the Southern Continent in America, who has resided long in that country, and is an officer of whom they have a very good opinion to wait on their Lordships to answer such questions as they shall please to ask him relating to this law *etc.* Signed, Cha. Carkesse. Endorsed, Reed. 12th March, Read 12th May, 1731. $4\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 110-112, 113v.]

1731.

March 12.

86. Mr. Fitzwilliam to the Council of Trade and Plantations. In obedience to their commands has considered the Act of Virginia *for amending the staple of tobacco*, and conceives it “to be highly prejudicial to the British merchants trading to that country; that it lays the poorer sort of planters under such difficulties as in a short time must oblige them to leave off planting, and betake themselves to some manufacture; that it vests such a power in Inspectors as no sett of men ought to be entrusted with” *etc.* *Explains at length.* Mr. Lecheup is wrong in saying that the 3s. for stamps and nailing *etc.* will be but a small expense to planters, for by the present custom of buying nearly 4 lbs. of the tobacco pays nothing in the country for weighing and nailing. *Continues* :—As to what is alledged of the planters being the best judges of what benefit will accrue to their own trade, if that be admitted, yet I presume they are not to be allowed proper judges of the Trade and Navigation of Great Britain *etc.* If we look back but a very few years, we may observe very extraordinary steps taken in the Governmt. of Virginia to lessen, as much as in them lyes, both the revenue, and the trade, by discouraging everybody from making tobacco, in order to gain a monopoly *etc.* In 1726 there was a law passed in Virginia *for the more effectual preventing the bringing of tobacco from N. Carolina etc.*, which is an effectual prohibition on the people of North Carolina to plant tobacco. For that province has no ports capable of admitting ships of burthen, *etc.*, and as Virginia has hitherto been the port from whence the tobacco of that province has been conveyed to Great Britain, the lessening of H.M. revenue must be the consequence of this prohibition. But what makes the act still more extraordinary is, that it is repugnant to an act of Parliament, notwithstanding which, penalties have been recovered contrary to this act of Parliament in the Courts of Common Law of Virginia, which has lessened the importation of tobacco between 2 and 3000 hhds. yearly *etc.* *Refers to his letter of Dec. 1727.* *Continues* :—Upon an application made to the Parliamt. last sessions, the law for preventing the importation of stemm’d tobacco, or tobacco stripped from the stalk, was repealed, whereby the quantity of tobacco usually stripped from Virginia was lessen’d at least 6000 hhds. more, as may appear from the Customhouse books, yet this indulgence, wch. consequently lessens the trade of Great Britain to that country at least 20 sail of ships yearly, had not satisfied them, but now in 1730 they pass this act of their own, in order further to lessen the quantity of this commodity, whereby they propose to raise the price by preventing the poorer sort of people from planting which must materially give them a turn to manufacturing *etc.* As to the Lt. Governor’s interest in the act, besides his influence in settling the rent of the warehouses, which is near equal to giving an employmt., he will have the disposal of the new offices created by this act

1731. [86]

to the value of near 6000*l.* pr. annum *etc.* *Concludes* : It is generally computed that the execution of this act will cost the country between 10 and 12,000*l.* a year *etc.* The inhabitants have not yet been at any expense in building warehouses *etc.* for executing it. There was a law of this nature in Virginia called the Agents law, abot. 13 or 14 years agoe, which tho' not near so bad in its consequences, was repealed as being prejudicial to the trade of Great Britain. *Signed*, Rd. Fitzwilliam. *Endorsed*, Reed., Read 12th May, 1731. 8 pp. [C.O. 5, 1322. ff. 115–118v., 119v.]

March 12. **87.** Order of House of Commons that the Commissioners for Trade and Plantations do lay before this House what accounts they have received of the manufacturing of woollen, linnen and cotton cloaths in New England, New York, New Jersey, Pensilvania and Rhode Island, and what directions have been given to the Governours thereupon ; and also an account of what progress they are informed any of the said Provinces have made in the planting of hemp and flax. *Signed*, E. Stables, Cl. Dom. Com. *Endorsed*, Reed. 13th, Read 16th March, 1734. $\frac{1}{2}$ p. [C.O. 5, 872. ff. 59, 60v.]

March 12. **88.** Capt. Coram to Mr. Popple. I have understood there hath been some late enquiry about iron being made out of the oar in New England, and wrought there into the necessary tools and utensils of husbandry *etc.* of that country which I well know to be truth. Moreover in the year 1697, the conveni[*c*]y of the vast great planks of oak and fir timber, and iron oar which I found abounding at a place call'd Taunton, on a navigable river about 50 miles south of Boston by land, but much more by water, in some like manner as Winchester is from London ; encouraged me to take some of my English shipwrights from Boston whome I had carryd. from hence thither thre years before for establishing shipbuilding in New England, and removed them to Taunton to build a ship of 140 tonns (the first ship or vessel that ever had been built on that river) and had all the ironwork or much the greater part thereof used in building her made out of the iron oar of that place and wrought into bolts and spikes and nailes *etc.*, by an engenious fellow named Robert Crossman born at that place, and was since the Representative for the same many years in the General Assembly of the Massachusetts. I built several more and larger ships there soon after, and there has been built since above 500 ships on the same river, and I doubt not but with the ironworke for them, the natural produce of the same place weh. also produced good hemp and flax to those few who were industrious to take any care or pains to raise it *etc.* *Signed*, Thomas Coram. *Endorsed*, Reed. 13th March, Read 21st Oct., 1731. *Addressed*. 1 p. [C.O. 5, 873. ff. 234, 235v.]

Prescot
Street
in
Goodman's
fields.

1731.

March 15.
Philadelphia.

89. Lt. Governor Gordon to the Council of Trade and Plantations. *Encloses following.* Was disappointed of an earlier conveyance *etc.* *Signed, P. Gordon. Endorsed, Reed.* 28th Sept., 1731, Read 4th Oct., 1732. 1 p. *Enclosed,*

89. i. Answers of the Lt. Governor of Pennsylvania to the Board's Queries. (i) Describes situation and boundaries of grant *etc.* of Pennsylvania and the Three Lower Counties. (ii) The boundaries are nowhere fixed but on the East by the River Delaware. On the North there has never yet been any occasion to fix the 43rd degree, which 'tis conceived extends to the settlements of the Five Nations now supposed by the Government of New York to belong to that Province. Nor have any attempts been made to measure off the five degrees of longitude (which is the breadth of the Province by the King's patent, and would make about 265 miles) to the westward, but by the exactest French maps yet given us, particularly De L'Isle's, the North-west corner by these degrees of longitude and latitude will fall on their Lakes *etc.* The French in their said maps extend their Louisiana as far East as the River Susquehannah which runs into the head of Chesapeak, by which the Eastern and Western shores (as they are commonly called) both of Maryland and Virginia are divided, and therefore they leave to Pennsylvania a breadth only of about 60 Eng. miles. It is also remarkable that the Editors of a volume of Geography published in a very large folio *anno* 1721 by subscription from many of the Nobility and great Officers of Britain as well as others called A New General Atlas, the maps in which are engraved or revised by Senex, have, to the scandal of the Nation, unadvisedly inserted into it that Map of Louisiana as a proper description of that country, without any alteration or restriction, by which, as far as the authority of that book can contribute, they give up to the French all their exorbitant claims to the greater part of these British Dominions, which whether it may deserve the notice of your Honourable Board is humbly submitted, but it cannot but give those who have considered the mistake and have any concern for the honour and interest of the Crown of Great Britain a very just resentment. The boundary of Pennsylvania to the Southward is a circle about Newcastle at 12 miles distance so farr as that reaches, and from thence a line running directly west is to divide it from Maryland. This line in the Royal grants for both Provinces is called the fortieth degree of Northern Latitude, which occasions a very high dispute, for it is most evident

1731. [89. i]

by both patents, that at the respective times of the grants, it was not conceived, that what is commonly understood by the 40th degree of latitude would extend near so far northward on the land, as it is now found from later observations by more exact land instruments. Maryland in the patent to Lord Baltimore seems positively limited to Delaware Bay which ends somewhat to the southward of Newcastle *etc.* The whole tenour of that grant appears to bound it by the heads of the Bay of Delaware and Chesapeak. It can also be clearly proved, that the first grantee of Maryland understood his province to be bounded by the head of Chesapeak Bay, and about 1683 not much above one year after Mr. Penn first arrived here with his people to settle his Colony, the then Lord Baltimore being himself in these parts thought fitt to run a line a few miles above the head of the said Bay, to which line he formally made his claim, and to that boundary as allow'd on the part of Maryland this Province has ever since extended its settlements, and great numbers of families near 50 years since sate down and laid out their substance in improving the said lands, and raising estates, which have descended to their children *etc.* Yet now from the later discoveries that have been made of the latitude, Maryland would extend their countrey much higher and take to themselves a considerable part of those estates: But our inhabitants have hitherto held their possessions. The claim nevertheless on the part of Maryland still subsisting occasions great uneasiness amongst the people. And tho' the respective Governors, who live in a good understanding with each other, have hitherto shewn, and still continue to use, such moderation and caution on both sides, as that no violences, by the countenance of either Government, have been committed, yet it is of vast importance to the publick peace and security of H.M. good subjects, as well as for the interest of the Proprietors, that this dispute should with as little delay as possible be effectually ended. (iii) *Describes* Constitution and Courts. (iv) The shipping annually cleared from Philadelphia, Newcastle and Lewes, the three ports of trade within this Government, are computed to be about 170, and as they consist chiefly of sloops and small briganteens they cannot be reckoned one with another to exceed 60 tons with a complement of 7 men to each vessel *etc.* For these last ten years the shipping are encreased one full third. (v) As this with all other of the American Provinces are limited to trade only with Britain, and H.M. Colonies, and no

1731. [89. i]

goods from Britain pay any duties, there is therefore no occasion to have any such entries made as can enable us to render an exact account of the quantities, but the sorts are generally such dry goods as are consumed in Great Britain vizt. woollens, linens, silks, habedashry etc. necessary for apparell, ironware and other necessities for husbandry building and furniture of houses. (vi) There is no considerable trade between this Government and any foreign Plantations; what there is, is chiefly with the Dutch vizt. three or four small vessells in a year to Surinam, perhaps one to Curaçoa, and sometimes one to St. Eustacia, but none to any French or Spanish Plantations. Our exports thither are bread, flour, staves, butter and some horses, and our returns are chiefly melasses, some little rum and sugar. Our trade to Europe is but casual, and according as there is demand for grain, in which case, as in the late scarcity of wheat in Europe about 40,000 bushels were shipt from hence to Ireland, Lisbon and the Streights, but when there are plentiful crops we ship little or none. To Madeira there is shipt annually between 15 and 20,000 bushels of wheat, some Indian corn and bread, in return for which we have their wines. We now also sometimes import salt from Portugal or Spain, tho' rarely, most of it being brought from the West Indies. (vii) At Philadelphia there are a Naval Officer, a Collector and Comptroller, at Newcastle and Lewes a Naval Officer and Collector each, who guard the trade, and all proper care is taken to prevent any illegal practiees therein, so that notwithstanding the vigilancy of the Officers, there are but very few forfeitures on that score. (viii) The produce of this country and staple commodities are wheat and Indian corn for exportation, rye, barley, oats and buckwheat enough for home consumption, but very little exported. Wheat manufactured into flour and bread, barrell'd beef and pork in a reasonable proportion to suit the cargoes of bread and flour for the West Indies, hogshead and barrell staves in great quantities are shipt off annually to the West Indies, Madeira, Lisbon etc.; skins and furs (which are purchased of the Indians in exchange of woollens, linens, shott cutlery etc. all from Britain) with some pigg iron annually are shipt off for Great Britain, also ships built here make a considerable return, and our exports in the whole may be computed at about 70,000*l.*, or 80,000*l.* ster*l.*, but make less or more according to the markets they meet with. In return to our exports to the W. Indies we have litle else than rum in but too

1731. [89. i]

large quantities, with melasses and sugar which are consumed in the country. Divers undertakers here, in hopes of making large returns by iron, have to their very great cost erected furnaces, but the low price of pigg iron in Britain for these two years past has proved a very great discouragement and disappointment, so that some of these furnaces are like to fall. Great endeavours have also been used, with a bounty from the Government, to promote the raising of hemp, in expectation of making a return by it to Britain, but very little as yet has been exported. We have also hopes that the raising of silk, which has been tried with some success, may in time be pursued by the inhabitants, our climate and soil very well agreeing with the silkworm, and mulberry tree. (ix) We know of no mines as yet but iron, and some little copper, of which last in this Province no discoveries have as yet been made that countervail the trouble and charge. (x) This Government has not hitherto had occasion to use any method that can furnish us with an exact estimate, but as near as can at present be guessed there may be about 45,000 souls of whites and 4000 blacks. (xi) The inhabitants have been exceedingly increased within these last ten years by means of their continued resort hither from Great Britain, Ireland, Germany etc. from which two last we have of late had great numbers, and 'tis believed within these ten years the inhabitants have increased above one half of what they were before (xii, xiii). This being an inland Province no forts have been built, nor is there any formed Militia in it. (xiv) The number of Indians inhabiting this Province is very much decreased, and those which remain scarce exceed 600 men, excluding the five Nations etc., and at the first settlement of this Colony such measures were taken with them by Mr. Penn, which are still carefully continued, that they have lived in perfect peace with the inhabitants, and they are very well affected to the British interest. (xv) As to the strength of the neighbouring Indians, *encloses* a paper drawn up in 1718 by Mr. Logan, a gentleman of good literature and large experience, who having been himself engaged in the Indian trade, from the informations he collected from some who had long and often travelled through Canada, and the country about Missassippi, drew up at the request of Sir Wm. Keith then Governor of this Province an account of the French trade, their routes and their Indians, etc., to be transmitted to your Board in answer to some queries then sent him. How Sir William

1731. [89. i]

might transmitt it I know not, but as it appears to me curious and valueable, with that gentleman's leave, who has lent me his original draught, I here give you an exact copy *etc.* (xvi, xvii). All claims of the Spaniards lye so remote, that no occasion has been given us to have any knowledge of, or concern about, them. The French of Canada are much nearer neighbours, but fall principally under the notice of H.M. Government of New York, from whence undoubtedly the best informations may be had : yet Mr. Logan's paper may give your Lops. considerable information. (xviii) Revenue : By the emission of a paper currency, an annual interest arises thereon amounting to near 3000*l.* this currency, which with a small excise on spirits not amounting to 1000*l.* yearly raise together a sufficiency to answer all the present exigencies of this Government. (xix) By order of the Assemblies annually there is generally paid to the Governor about 1200*l.* pr. annum besides perquisites ; some further allowances are likewise made to the Provincial Judges, Treasurer, Attorney General and Trustees of the Loan Office, the bounties also and charge of Indian Treaties take a part but generally at the end of the year the accounts are near a balance. (xx) There are no establishments here, for there being no Militia, there is consequently no military one, and the Officers of the Government have either such annual allowances made to them as the Assemblies think proper, or the fees of their offices as established by our laws, and generally they hold their places by commission from the Proprietor or his Lieutenant during pleasure. *Signed,* P. Gordon. 13 pp. *Enclosed,*

89. ii. Paper drawn up by Mr. Logan in 1718, *referred to in preceding.* The memorial of which the Lords Commissioners have transmitted a copy *etc.* appears well-grounded. 'Tis well known that ever since the expedition of the Sieur La Salle, the French have claimed all the lands to the northward and westward of the British Colonies, from Canada along the Lakes and Mississippi River, in which they further strengthen themselves, by alledging, that the Article in the Treaty of Reswick, by which all lands or rivers in America of the mouth of which either nation were then possessed are conceded to that nation as high as the first sources of those rivers, is a full cession of all that tract of land to the French : tho' it cannot be probable that it was ever so intended, because 'tis not only inconsistent with the ancients grant from the Crown to the Proprietors of Carolina, but with the security of all the

1731. [89. ii]

British Colonies on this Continent of America. From the time of their first discoveries of Missassippi they have with great care settled a communication between Canada and the Southern countries on that river, for which they have three different routes all of which are the same as far as Lake Erie. They sail in canoes from Montreal abt. 3 leagues to the fall of St. Louis, where they have a portage or carrying place by land of about half a league, then they reimbarque row up the stream about 60 leagues to fort Frontenac on the north side, and at the beginning of Lake Ontario ; In this fort is a small garrison consisting of one or two companies in the King's pay, from thence they proceed on the Lake Ontario generally reputed to be 80 leagues in length to those dreadful Falls of Niagara, which oblige them to land, the portage is about three leagues, after reimbarquing, they goe up the Strait about 6 leagues, after which they enter Lake Erie which they call 130 leagues in length. The shortest passage from hence to Missassippi by water is to goe up the river of the Miamies or Oumamies that enters Lake Erie on the Southwest about 150 leagues, they then come to another carrying place of about 3 leagues, where the highest land is, and from hence the waters divide their descent between Missassippi and that lake, there they imbarque on a small shallow river called La Rivière de Portage, down which they row 40 leagues, to the River Wabash or Ouabache, and on that river according to the traders reckoning 120 leagues to the river Ohio, into which the other falls, then 80 leagues down Ohio to Missassippi and thence 350 leagues to the Bay of Mexico. Some call both these rivers by the same name, and generally Wabache, but they ought to be distinguished, because the head of Ohio comes much more easterly, extending even to the Government of New York towards Virginia or Carolina, and among divers other large streams it receives the River Peresippi on the south side, not far from the mouth of Wabache, which river of Perisippi is said to rise in the mountains of Virginia and Carolina. The other two passages are both prick'd down in Hennepin's map, according to the accounts given are thus. From the North-west of Lake Erie they sail 8 leagues to a fort on Lake St. Claire called Érie Pont Chartrain where there is a settlement of the French, and often 400 traders meet here, then along the Lake 7 leagues, thence to the great Lake Huron about 10 leagues, on this lake they proceed to the Straits of Missilimakina 120 leagues, here is a Garrison of about 30 French,

1731. [89. ii]

and a vast concourse of traders, sometimes not less than a thousand besides Indians, being a common place of rendezvous. At or near this place are the Outawas settled. From Lake Huron they pass by the strait Misilimakina 4 leagues being 2 in breadth, and of a great depth to the Lake Illinois, thence 150 leagues on the Lake to Fort Miami situate on the mouth of the River Chigagow. This fort is not regularly garrison'd, from hence came those Indians of the same name vizt. Miamies, who are settled on the aforementioned river that runs into Erie. Up the River Chigagow they sail but 3 leagues to a portage of a quarter of a league, then they enter a small Lake of about a mile, and have another very small portage, and again another of 2 miles to the River Illinois, thence down the same 130 leagues to Mississippi. The third is from Misilimakina on Lake Illinois to the Lake des Puans 90 leagues, thence to the River Puans 80 leagues, thence up the same to a portage of about 4 miles over to the River Ouisconsing, thence 40 leagues to Mississippi. From the mouth of Ouisconsing to the mouth of the River Illinois is reputed about 150 leagues on Mississippi, and from thence to the mouth of Ohio 70 leagues etc. These distances are as the traders reckon them, but they appear to be generally overdone, which may be owing to those people's coasting along the shores of the Lakes, and taking in all the windings of the rivers. The French use their utmost endeavours to bring over all the Indians into their interest, the Iroquese or five Nations have stood chiefly in their way, but by their Jesuites and other means they daily debauch them from the English. The number of the whole is not now above 2000 fighting men, of which the French have drawn over 700 to inhabit amongst themselves, vizt. 400 seated at the Fall of St. Louis on the south side of St. Laurence and 300 on the north side, the rest of them are planted chiefly along the Lake Ontario at some distance from it. There are no Indians in the French interest on this side of St. Laurence nearer than the Miamies or Twechtwe as the Iroquese call them who are about 2000 seated chiefly on the aforementioned river Miamis flowing into Lake Erie and on or near the branches of Oubache. The Illinois are about 3,000 men on and near the river of that name. The Misilimakinaes or Outawas were formerly 3000 but now are scarce 500. The Nokes 100, the Fellesavoins 200, the Sakes 200, the Puans 600. All these joynd with the French against the Iroquese, and all of them except the Mimaies are

1731. [89. ii]

seated about or near to the Lake Illinois, which is now commonly call'd by them Mechegan, and on the rivers that run into it, and on Lake Puans and the River Illinois. There are also divers other nations between Mechegan and Missasippi, as the Renards or Foxes, Massekobins, Kikapous, but these being further off, did not joyn the French against the Iroquese. On Missasippi and the branches of it there are many great Nations, especially to the West as the Missouriis, Ozages, Acansias, who are different from those of Acansa on the East, with many more, not less as is affirmed, than 60,000 men, with all of whom the French have peace and some alliance. On the other hand all the English to the northward of Carolina have not 1500 men in their interest excepting the Iroquese. In New England and Connecticut they have very few. In New York they have only the River Indians besides the Iroquese. In Jersey and Pensylvania their own or home Indians called Delawares are exceedingly decreased, and being in subjection to the Iroquese take their rules from them. In Maryland and Virginia there are very few, excepting those whom Colonel Spottswood with great industry has lately established there. Those of Carolina and the nations lately in friendship have been very numerous. But the Iroquese, whether prompted by the French, or from what other cause is not yet known, have of late years made great inroads upon them, and cannot as yet by any endeavours of the English be diverted from it. But of all these people the best accounts will naturally come from Carolina.

The methods that may be proposed to prevent the designs of the French seem to be these. (i) To use all reasonable endeavours to preserve the Iroquese, tho' the English of Virginia and Carolina are very much incensed against them, and the French endeavour to animate all the other English to the northward in the same manner, as being a bloody, barbarous and imperious people, at the same time that they themselves cajole them, and endeavour by all means to make them their own. Yet their preservation seems to be of vast importance to us. (ii) To encourage the Government of Virginia to extend their settlements beyond the mountains, over which the present Governour has happily discovered passes, and to build some forts on Lake Érie with the concurrence of the Iroquese settled not far from thence: Colonel Spottiswood had this in view, till discouraged by the repeal of their act for the Indian trade, the consequence of

1731. [89. ii]

which act 'tis doubted was not clearly enough understood. (iii) To encourage and support the trade of South Carolina who have very good opportunities of making alliances with all the Indians to the southward of the Lakes, and to the east of Mississippi. To which their grant from the Crown gives them a very good claim. (iv) To give such orders and instructions to the Governours that they take special eare of the commerce with the Indians, that while they endeavour to promote the trade of their own people, they shall do nothing to weaken the interest of other Colonies to which traders are too subject; gain being their only view. By these means all the Indians, with whom we have any commerce, may be very much united to the British interest, for the Indians being supplied generally with better goods (excepting fire arms, powder and some trinketts) and at easier rates by the English than the French, they will choose to deal with us rather than with them, and their interest in this is commonly the strongest tie upon them. The French indeed seem to exceed us in industry, and in accomodating themselves to the humours of those barbarous people, and they have now a vast number of bold expert traders whom they call *coureurs de bois*, who generally are as capable of the fatigues of long journeys and fighting by ambush in the woods, the common way of making war amongst them, as any of the savages: Yet some of Virginia and Carolina have shewn that they are scarce to be exceeded that way. *Endorsed*: Recd. 28th Sept., 1731. Read 4th Oct., 1732. — *pp.* [C.O. 5, 1268. ff. 99, 100–102v., 103, 104v–111, 112v.]

[March
15].

90. Petition of inhabitants of Newfoundland to the King. *Represent* their sufferings during the late war, when many lost their lives or substance by famine and the sword *etc.* *Continue*: —Since the Peace, by your Majesty's great goodness and paternall care over us, we have been able to gather together a few straglinge pence to support our lives in this cold remote and desolate land, and the unhandsome usage of a great many masters of shippes by our letters between us and our correspondents in England. They have broke up or otherwise destroy'd, so that we are not able to have our goods at the first price but are obliged to buy them of such masters at an extravagant pricc *etc.*, otherwise we might have been able to have made other improvements in this land, had the light of your Majesty's countenance shone upon us. For there is a great part of this land by industry might be cultivated and improved, and might be able to produce flax and hempe. *Pray*

1731. [90]

that it may be sent home freight free so as to be sold as cheap as that from other nations *etc.*, and for H.M. "Letters Patents in Great Britain and Ireland by a brieffe that we might be able to aske the charitable almes of all *etc.* for erecting churches and maintaining clergyman in this great uncouthed and solitary wilderness, that we might be the better able to praise and magnific the name of our great and gloriouse Creator *etc.*" 77 *signatures, mostly marks.* Oct. 30, 1730. 3 *pp.* gummed together. [C.O. 194, 23. No. 41.]

March 15.
Whitehall.

91. Duke of Newcastle to Lt. Col. Armstrong. *Encloses King's Order following. Continues:* I am to signify to you H.M. pleasure, that upon the receipt hereof you forthwith repair to Nova Scotia, and that as soon as you arrive there you deliver H.M. Order to Col. Philips; and you are upon his leaving that Province, to take upon you the Government of it during his absence *etc.* You are to observe his Instructions as if they were directed to yourself. *Signed,* Holles Newcastle. *Copy.* 1 *p.* *Annexed,*

91. i. The King to Governor Philips. St. James's. 15th March, 1731. Whereas it has been represented unto us by Our Board of General Officers, that there are great debts owing to the Officers of your Regiment by yourself and the late Agent, and that in order to adjust and satisfy those demands it is necessary, that you should come home, Our will and pleasure therefore is, that upon the receipt hereof you return unto Our Royal presence; and for the good Government of that Our Province during your absence, We have directed Our trusty and well-beloved Lawrence Armstrong, Our Lieut. Govr. thereof, forthwith to repair thither; and We do hereby require and command you to put into *his* hands Our Instructions *etc.* to you *etc.* *Countersigned,* Holles Newcastle. *Copy.* [C.O. 324, 36. *pp.* 265, 266.]

March 17.
Jamea.

92. Governor Hunter to the [? Duke of Newcastle]. Since my last, a copie of which is inclos'd, the several companys of two regiments have been sent to their respve. quarters where it was judg'd they might be of most use, and barracks built, where there are not finisht they are quarter'd by the parish'oners. The private men are generally in good health and condition, but of the officers, Major Brandreth, and Captn. Moloy of Coll. Hayes, and Capt. Ballenden and Lieut. Sutton of Coll. Cope's regiment are dead. That the service may not suffer, upon application from the commanding officers, *etc.*, I have order'd out commissions *etc.*, *detailed.* *Continues:*—The officers are preferr'd according to their seniority and service, and I hope H.M. will confirm their commissions. There are absent three

1731. [92]

Captains and 7 subalterns. Our countrey party, consisting of about 180 men were march'd from their place of rendezvous before the regiments arriv'd. They had the luck to surprize the chiefe negro settlement in the neighbourhood of Port Antonio gott into the town with the loss of two men and a few wounded the negro's set fire to that part of their town next to the mountains and fled thither under the cover of the smoak. Our party did not pursue but kept in the town three days and on the fourth burnt it consisting of a hundred and six houses, and retir'd to Port Antonio : I have order'd them immediately baek thither, if the officer finds them in good heart and willing, if otherwise, to disband them : for they left it contrary to my orders and have not taken one pris'ner. By the advice of the Council and at the desire of the most substantial merchants and inhabitants, I have dissolv'd the Genll. Assembly, issu'd writts for calling a new one, and our elections begin to-morrow. If the gentlemen who desir'd the dissolution will exert themselves we may hope for a better, but it can not well be worse : men of desperate fortunes who want protection, and some of desperate principles who want confusion will ever be the most aetive and industrious to gett in but I hope the people's eyes are opened *etc.* *Will write* by Capt. Dent, who is to depart soon *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. May 18th. *Holograph.* 2 $\frac{2}{3}$ pp. [C.O. 137, 53. ff. 328-329v.]

March 17. **93.** Mr. Popple to Mr. Fane. *Encloses* for his opinion Whitehall. in point of law, seven Acts of the Massachusetts Bay passed in 1730. [C.O. 5, 916. pp. 404, 405.]

March 19. **94.** Memorial of loss and damage (£475) sustained by Abraham Van Vleck, Jacobus and Jesse Kiersted of New York, owners of the *Two Brothers* sloop and part of her cargo of provisions, taken near Carolina on 22nd Aug., 1727, by two Spanish privateers. Affirmation, *signed*, Jo. Beleh of London, Druggist. 2 $\frac{1}{2}$ pp. *Endorsed*, Reed. (from Joseph Beleh) 19th April, 1732).

94. i.-vii. Depositions relating to foregoing. *Copies.* 6 pp. [C.O. 388, 93. Nos. 21, 21 i-vii.]

March 20. **95.** Governor Hunter to the [? Duke of Newcastle]. *Refers* Jamca. to letter of 17th. *Continues* :—Coll. Hays dy'd last night at Port Royal : I most humbly intreat and hope for your Grace's recommendation to H.M. for the command of that Regiment. I think I am the only Genll. Officer in actual service without one, and if a great deale of additional trouble and expens can add any weight to my clame I assure your Grace I have both *etc.* *Will write* by a ship of war which will sayle soon *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. 14th May. *Holograph.* 1 p. [C.O. 137, 53. ff. 330, 331v.]

1731.

March 22. **96.** H.M. Warrant appointing James St. John, Surveyor of lands in S. Carolina, and Inspector of Quit Rents and North and South Carolina, at 100*l.* per ann. Proclamation money of Carolina, during pleasure. *Countersigned*, R. Walpole, Wm. Clayton, Wm. Yonge. *Copy*. [C.O. 324, 49. ff. 65-67.]

March 22. **97.** Mr. Fane to the Council of Trade and Plantations. *Has no objection to five of the acts of Jamaica submitted to him, but as to the sixth, for the better regulating slaves etc., refers to the objections stated in enclosed memorial, and concludes :* Considering the circumstances of this family and the hardships they must necessarily lye under in case this act passes into a law : there ought at least to have been a particular exception of them out of the act. But as that has not been provided for I must submit it to your Lordships' consideration whether this act ought to be confirmed. *Signed*, Fran. Fane. *Endorsed*, Reed. 30th March, Read 6th July, 1731. 1¼ pp. *Enclosed*, 749. i. The case of Francis Williams. v. 30th June, 1731. ¾ pp. [C.O. 137, 19. ff. 31-33v, 34v.]

March 24. **98.** Order of Committee of Council. Referring following Whitehall. to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Reed., Read 25th March, 1731. 1 p. *Enclosed*,

98. i. Petition of Sr. Joseph Eyles, Jonathan Perrie, John Drummond and Thomas Watts, in behalf of themselves and several other merchants and traders of the City of London, to the King. There is a certain tract of land in New York containing 62,000 acres, commonly called the 'Equivalent land' because the same was formerly taken from the Colony of Connecticut, in lieu of the like quantity yielded to that Colony by the Province of New York upon the settling of their respective boundarys, which tract of land is scituate between the antient easterly bounds of New York upon the main land, and the present westerly bounds of Connecticut, bounded towards the north by the south line of the Colony of the Massachusetts Bay at about twenty miles distance from Hudsons River *etc.* The said tract hath never yet been granted to any person by the Crown, but if the same were duly settled and improved under a grant thereof from your Majesty, it might be rendered greatly advantageous to this Kingdom in the production of hemp, pitch, tarr, and other kinds of naval stores, and is well scituated for cultivating a furr trade with the Indian Nations in that neighbourhood. *Propose to settle it with 100 persons within 7 years and more as they find encouragement, and to pay 2*s.* 6*d.* per 100 acres, the same quit-*

1731. [98. i]
rent as is reserved in all grants of lands in New York. *Pray for H.M. grant etc. Signed, Joseph Eyles, Jona. Perrie, John Drummond, Tho. Watts. Copy. 2 pp. [C.O. 5, 1055. ff. 149, 150, 150v., 152v.]*
- March 24. **99.** Thomas Lowndes to Mr. Popple. *Abstract. Excuses himself for giving trouble, having only been able to peruse the Act of S. Carolina for settling Courts of Justice that day etc. Cf. 6th Oct., 1730. Requests that directions may be given, in relation to the clause requiring security for the Provost Marshall, agreeable to the Board's intentions expressed that day etc. Cf. Journal of B. of T. Signed, Tho. Lowndes. Endorsed, Reed. Read 26th March, 1731. Addressed. 1 $\frac{2}{3}$ pp. [C.O. 5, 362. ff. 14, 14v., 15v.]*
- March 25. **100.** Petty Expences of the Board of Trade, Christmas 1730—Lady day, 1731. (*v. Journal*). 6 pp. [C.O. 388, 80, Nos. 1-4.]
- March 26. **101.** Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. Request payment of Office expences and Officers' Salaries for quarter ending Lady Day. Account annexed. [C.O. 389, 37. pp. 323, 324.]
Whitehall.
- March 26. **102.** Governor Johnson to the Council of Trade and Plantations. By this conveyance, I have at the desire of the Council and Assembly, transmitted to his Grace the Duke of Newcastle, their humble address to his Majesty. The Assembly are fallen upon business and am in great hopes I have brought them to a disposition to settle the distracted affairs of the Province, but nothing is yet brought to maturity, so as to transmit to your Lordships. The Assembly insist upon the privilege of appointing their own Clerk; I apprehend it is H.M. Prerogative to appoint that and all officers, and I insisted upon it with them; but they plead custom, and having always been allowed that privilege, both in the Proprietors and Mr. Nicholson's time, and given instances of Barbados and other Colonies in America, having the same; at last I told them I would dispence with their doing it for the present, till H.M. pleasure should be signified to me thereupon. I therefore beg to be particularly instructed on this head. *Signed, Robt. Johnson. Endorsed, Reed. 1st June, 1731. 1 $\frac{2}{3}$ pp. [C.O. 5, 362. ff. 37, 37v., 40v.; and (abstract) 36; and 5, 406. pp. 27, 28.]*
Charles
Town.
- March 26. **103.** *Same* to the Duke of Newcastle. Duplicate of preceding, *with addition of P.S.* I am in hopes Mr. Fury's affair will be done. *Signed, Robt. Johnson. Endorsed, R. May 24. 2 pp. Enclosed,*
Charles
Town.

1731.

103. i. Address of Assembly of South Carolina to the King. March 1st, 1730. *Return thanks* for appointment of Governor Johnson, whose ability and good will have gained him the hearts of all H.M. good subjects *etc.* *Return thanks* for H.M. remission of the arrears of quit-rents, the continuance of the present bills of credit, and "for that unspeakable benefit and liberty of enlarging our currency in proportion to our trade : which has dissipated all our fears, releiv'd us under all our necessities, and given us a most ample prospect of being made perfectly easy, and happy, under H.E. administration." *Signed*, John Lloyd, Speaker ; and 30 members of Assembly. 1 large p.
103. ii. Address of the Lt. Governor and Council of S. Carolina to the King. *Return thanks* for H.M. taking the Province under his protection and appointing Mr. Johnson, Governor, with whose great abilities and good inclinations they are well acquainted *etc.* *Signed*, Fra. Yonge and 9 others. 1 large p. [C.O. 5, 388. ff. 33, 33v., 34v. ; (covering letter only) ; and (without covering letter) 5, 383. ff. 268, 269.]

March 26. **104.** Council of Trade and Plantations to the King. In
Whitehall. reply to March 10th, recommend that Mr. Ayscough be restored to his place and antient rank in the Council of Jamaica upon the first vacancy, he now intending to return, and having behaved with commendable zeal when the Government devolved upon him *etc.* (*Set out*, A.P.C. III. p. 312.) [C.O. 138, 17. pp. 308-310.]

March 27. **105.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 8 acts of the Massachusetts Bay, 1730. *Signed*, Fran. Fane. *Endorsed*, Reed. 30th March, 1731, Read 16th Jan., 1733 $\frac{3}{4}$. N.B. These Acts were not referred by Order in Council. 1 $\frac{1}{4}$ pp. [C.O. 5, 876. ff. 2, 2v., 5v.]

March 27. **106.** Governor Worsley to the Duke of Newcastle. As I
Barbadoes. conceive no words can represent the state of this Island, and the conduct of the present General Assembly so clearly, and justly, as their own votes, I have the honour of transmitting them herewith to your Grace, from the first meeting of the present General Assembly, to the 19th instant inclusive : this last day of their meeting they passed a petition to H.M. upon the subject matter of the report of the Committee appointed to prepare a representation of their grievances, which report is set down at large in their foregoing Minutes of the 15th of the last month, but as to their petition I have not seen a copy of it. The report sett's forth the former petition made to H.M. against me by the Assembly in 1728, which they now repeat again under

1731. [106]

pretence that they did not know that that petition had been preferred to H.M., but they are informed, that it was transmitted to Great Britain in order to be preferred, but miscarried for want of proper Agents to sollicite the same. I was very much surprised on reading these votes for I thought, it was notoriously known, that it was not only preferr'd, but was order'd by H.M. to be heard by the Lords for Trade etc. together with my answer, and accordingly was heard, and the petition dismissed : but I suppose this repetition of what they could not prove is to be imposed upon the world, as an undoubted proof of the truth of it. I can't help being amazed at their bold assertion in relation to the conduct of the Gentlemen of H.M. Council here, who, they say, " far from making the laws of the land, and the good of their country the rule of their conduct, have acted of late, as if they looked upon themselves indispensibly obliged to concur with H.E., in every attempt of his upon our liberties, and properties ; " and in their foregoing votes of the 15th of January last, they treat them as incendiaries. But whoever considers the conduct of the Assembly for these three last years in relation to the tax granted to H.M. for supporting the honour and dignity of the Government, as well as by their own votes would be apt to think that they accused the Council of what they were guilty themselves. In their address to me they say that if any deficiencies have happen'd in the collecting the tax, the same " have proceeded from the miserable poverty of the people, who thereby are forced to defend themselves against the rigorous prosecutions, they are daily threatened with " *etc.* (v. C.S.P. 27th Nov., 1730), and perhaps they may construe any prosecution upon this head, as attempts upon their libertys, and properties ; so that had H.M. Attorney General here prosecuted every one for H.M. tax who had not paid nor had given in the number of his negro's to his representative or who had not been returned by him a defaulter (for against these the Treasurer by the law is not empower'd to issue his warrant within four months after the time of payment, nor are these persons after the said time discharged of the duty, but only those against whom the law empowers the Treasurer to issue his warrants, which has already been represented to H.M. in the address of the Council) they might have called it a rigorous prosecution, which would be a very absurd construction of the law, as if any one's neglect, or refusal to deliver in the list of his negro's as by the law he is obliged cou'd exempt him from the duty, upon the whole I am most humbly of opinion that if an order was sent to H.M. Attorney General here to sue every body who had not paid their tax for these two last years, and against whom the Treasurer is not empower'd by the law to issue his warrants for the same, after a convenient limited time was allowed them for the payment thereof, I am satisfied the country would be soon quiet, for the people are daily expecting it, and

1731.

[106]

say if this be the King's tax, and we ought to pay, how comes it that there is not an order to oblige us to pay. In my letter of 16th Jan. *etc.*, I mentioned an expedient I could have wished the Assembly would have come into, not that H.M. tax could not have been recover'd by due course of law, but out of tenderness to the inhabitants of this Island, for if H.M. Attorney General here was to sue in the Exchequer every body that had not paid his tax the expense of such a prosecution would fall heavy especially on the poor people. Another insinuation in the report is, that Mr. Webster holds the office of Secretary under Francis Whitworth Esq. in trust for me, and therefore I had recommended to the Assembly the fragment of what was due to him, your Grace knows that what I did upon this head was in obedience to H.M. orders in Council, not only for what was due to my Lord Micklethwait and Mr. Whitworth, which was from April 1714 to 1st March, 1726, but also for the future for what ever shall become due to the Secretary for such services as shall be performed by him for the publick. But your Grace will observe by their votes of 19th instant how differently they act in favour of their own officers, they there pass a petition to me unanimously for the payment of 242*l.* 6*s.* 7*d.* for their Clerke, tho' by their Minutes of the 4th Nov., 1729, his salary is settled for the said year at 150*l.* and 50*l.* for publishing the votes in the four towns of this Island. By the same annual proportion there should be due to the Clerks of the Council from March, 1714 to 26th March, 1729, 3878*l.* 0*s.* 4*d.*, tho' their accounts come to but 2823*l.* 16*s.* 9*d.* besides 300*l.*, which was paid to Mr. Lenoir a former Deputy Secretary, which would make the whole sum 3123*l.* 16*s.* 9*d.* The report further sets forth, that of all their grievances, that of the encrease of the French trade and power is the greatest, and that it will be proper forthwith to prepare an humble address to his most Gracious Majesty for redress therein, and that accordingly a petition had been presented, but, they say, they know too, that that petition had been opposed at the Board of Trade by me and that my Agent Mr. Sharpe was now opposing the same; what I have wrote I thought it was my duty to do, I stated the facts truly, and because Mr. Sharpe transacts my affairs in England, is he to act for nobody else that will employ him? And as it is notoriously known that he is employed by one of the Northern Colonys, a jealous mind might imagine, that this is mentioned to make me odious to the inhabitants. As the Assembly, and they who oppose the payment of H.M. tax have entertained of late great hopes of Mr. Othniel Haggats being a Counsellor, tho' I could say much upon that head, I need only refer your Grace to their own votes by which your Grace will see the part that Gentleman has acted. I dont know any two Gentlemen in the Island, that have been more zealous against the payment of the King's tax, than Mr. Ashley, and he *etc.* The Guarda da Costa of Martinico

1731. [106]

about a month since went into the Carnache, a port in Sta. Lucia, where vessells generally resort to carry on a clandestine trade with the French inhabitants of Martinico, and meeting with a great many English vessells, he seized them all, as soon as I was informed of it, I wrote to the Governor of Martinico, that he would restore them, but I have not yet his answer; however there is a report, that they were condemn'd in the Admiralty Court there, from whence they had appealed to the Governour and Council. I must observe upon this head that some time before this accident happen'd a French Guarda da Costa went in there, and one of the English vessells that were there, fired at her, and lodged a shot in her bow, upon which he return'd to Martinico to make his complaint, and the next day a French man of war was sent thither, but not finding the vessell, which had fired at the Guarda da Costa, he returned without injuring any that were there *etc.* *Encloses* duplicate of Exeise Act and Minutes of Council and Assembly and of Committee of Publick accounts *etc.* *Signed*, Henry Worsley. 7 pp. [C.O. 28, 45. ff. 179-182v.]

March 27. **107.** Governor Worsley to the Council of Trade and Barbadoes. Plantations. Duplicate of preceding, *mutatis mutandis.* *Signed*, Henry Worsley. *Endorsed*, Recd., Read 20th May, 1731. 7 pp. *Enclosed*,

107. i. Minutes of Committee of Publick Accounts, 10th Jan.—12th March, 1731. *Same endorsement.* 31 pp.

107. ii-iv. Treasurer's account of excise and imports of new negroes, 27th Nov. 1728—27th May, 1730. With a state of the Publick Debts, 19th Jan., 1722-1729. *Sworn by*, Burch Hothersall, Treasurer, 25th Nov., 1730. *The whole endorsed as preceding.* 40 large pp. [C.O. 28, 22. ff. 1-11v., 13v., 14, 15-20, 21-23v., 24v.-40v., 41v.-47, 48v.; and (enclosure i only) 28, 40. No. 13.]

March 29. **108.** Council of Trade and Plantations to the Committee Whitehall. of the Privy Council. *Reply to* order of 24th inst. Agree to proposal of petitioners, Sir Joseph Eyles *etc.*, for a grant of 62,000 acres in New York known as the Equivalent land at a quit-rent of 2s. 6d. per hundred, on condition that 3 in every 50 acres are cultivated within 7 years *etc.* (*Set out*, A.P.C. III.) p. 314, q.v. [C.O. 5, 1125. pp. 156-158.]

March 30. **109.** Order of Committee of Council. H.M. in Council Whitehall. having referred to the Committee the representation of the Lords Commissioners for Trade *etc.* of 9th Feb., proposing the Governor and Surveyor of the Woods in Nova Scotia be empowered to grant lands as there described, the Committee

1731. [109]

approving of, order the Board of Trade to prepare Instructions for them accordingly. *Signed*, Ja. Vernon. *Endorsed*, Reed. 3rd, Read 6th April, 1731. 1 p. [C.O. 217, 6. ff. 29, 33v.]

March 30. **110.** Mr. Fane to the Council of Trade and Plantations. *In reply* to Queries of Jan. 12th, is of opinion (i) that the powers given to the Fishing Admirals and the civil magistrates are entirely distinct : The Fishing Admirals have no powers but what arise from the Act of the 10th and 11th of K. William III and those confined to the fishing, and the Justices can no more interfere with them in regard to such powers, than the fishing Admirals can interfere with the Justices in the powers given them by their commission. (ii) That the former have no power to send warrants to the constables or commit to prison or the stocks. They are indeed by said Act directed to see that law put in execution, but there is no power to be given by that law to levy penalties or inflict punishments. The want of it, is certainly a defect *etc.* Thinks the Fishing Admirals are subordinate to the Justices in everything but what relates to their fishing authority. (iii) "I apprehend that all the statute laws made here previous to H.M. subjects settling in Newfoundland are in force there : it being a settlement in an infidel country : and as to the laws passed here subsequent to the settlement, I take it they will not extend to this country unless it is particularly mentioned. (iv) I do not think the Governour himself can act as Justice of the Peace, for I observe the power from His Majestie is only to appoint fit persons for the administration of Justice." *Signed*, Fran. Fane. *Endorsed*, Reed. 30th March, 1731, Read 9th March, 173 $\frac{1}{2}$. 2 pp. *Enclosed*,

110. i. Copy of Governor Osborn's Commission.

110. ii. Copy of Governor Osborn's Commission to Justice of the Peace. [C.O. 194, 9. ff. 140-148, 149v.]

March 30. **111.** Mr. Popple to Mr. Burchett. In reply to 4th Feb.,
Whitehall. encloses Heads of Enquiry for Capts. Clinton and Waterhouse. [C.O. 195, 7. p. 256.]

[March 30]. **112.** Petition of Jacob Stauber, John Oeks, Ezekiel Harlan and Thomas Gould to the Council of Trade and Plantations. Stauber and Harlan have lived upwards of 20 years in Pennsylvania following husbandry of which they have a perfect understanding. Stauber lately took a journey into [? *Virgin*]ia on purpose to make a search after some uninhabited land behind the mountains of that Province, which are above 30 miles over, and but one place fit for a road. After he had passed these mountains with much pains, great difficulty and hazard of life, without any company or seeing any Indians in all his travels, he spent three months time to view the soyl and situation of the land lying westward to the said mountains towards

1731.

[112]

Missisipy river, which land he found to be good pasture ground fitt for planting of vineyards on the side of the mountains, and a very good soyle for hemp, flax, and all sorts of grain, a proper climate [*? to prod*]uce silk and a good prospect to make salt petre and potash. Your Lordships are doubtless fully perswaded that it will be a great importance to the Crown and interest of the Nation that these Dominions may be enlarged beyond the mountains to the West for the following considerations :—If it is neglected to extend the bounds of Great Britain beyond the mountains to the west, it is probable that the French in a short time may take possession thereof. In settling a colony beyond these mountains extending as [*? far*] as the river of Missisipy, the French settlements of Missisipy and Canada would thereby be prevented to join together, as their intention is, which will be of great prejudice to this Kingdom. The strength of the subjects of this Kingdom in America would be considerably encreased by carrying over a great number of Germans and Swiss Protestants who will be chiefly such as can provide for themselves at [*? their own*]n charge, which are also reputed to be a good Militia. This colony would be obliged to apply themselves chiefly by reason of the distant land carriage upon such productions as are very much desired in this Kingdom, vizt., hemp, flax, silk, potash, salt petre, with other valuable commodities in which the Germans and Swissers are particularly skilled in (except the silk), the expectation of which commodities from other colonies [*? has been*] hitherto not answered, it would also considerably augment our trade by consuming a good quantity of the manufacture of this Kingdom, and employ m[*?uch ship*]ping *etc.* *Pray the Board to recommend the Government to grant them a joint patent of a free grant of a tract of land to begin at the Double Top Mountain by Hawks Bill Creek including the mountains through which the road is to be made, to go thence northwards in a line to the border of Pensilvania and behind the same, to make the whole breadth 200 miles, thence in a straight line to the Missisipy etc.* Petitioners undertake the settlement of this colony without any charge to the Government, which hitherto no person has attempted to undertake *etc.* Will make a road 30 miles long through the mountains, and for security against the Indians will purchase the land and friendship of them with considerable presents *etc.* “ Being so far separated from Virginia, by the mountains ’tis humbly desired that it may be a separate Colony and Government under the [*? na*]me of Georgia. Stauber, who has employed much time and expences in searching out this land and making a voyage hither, prays for a speedy decision, intending to go without delay to Germany and Switzerland to get people to go with them to Virginia *etc.* *Endorsed, Reed., Read 30th March, 1731. 1 large p. Torn. [C.O. 5, 1322. ff. 101, 101v.]*

1731.

March 30.
Whitehall.

113. Mr. Popple to Mr. Burchett. Encloses Heads of Enquiry which the Admiralty are desired to give as Instructions to Capt. Waterhouse of H.M.S. *Winchelsea* appointed to guard the Fishery at Canso. *Annexed*,

113. i. Heads of Enquiry for Capt. Waterhouse. You are to give all due encouragement and protection to the trade and fishery at Canso, and transmit the fullest account you can get thereof *etc.*, as likewise distinct answers to the following queries, (i) Whether the inhabitants are possessed of any stages, cook-rooms *etc.* or of any trainfats? if so, by what title or whether they are left at large for fishing ships? (ii) Whether any persons do presume to expunge, cut out, deface or alter the mark of any boats or trainfats of other persons and convert them to their own use or remove the same from the places they were left in by the owners? (iii) By what people is the Fishery carried on? And whether any strangers or aliens do resort to Nova Scotia or the Islands adjacent thereunto and take bait or use any sort of trade or fishing whatsoever in those parts? (iv) Whether the said Inhabitants are wholly supplied with sail cloth, nets and tackle for their fishery, and with woollen, linnen, leather and other manufactures, for their use and wear, from this Kingdom? Or from the Plantations or any foreign country? (v) What wages do the inhabitants allow to their servants for carrying on the Fishery? And in what manner do they pay them? (vi) How much the charge of fitting out and maintaining one of their fishing boats, for the whole season amounts to? (vii) What number of inhabitants are settled near the coast where the Fishery is carried on? What share have they in the Fishery? And how they employ themselves during the remainder of the year? (viii) Whether the houses, buildings and inclosures of the inhabitants are at such a distance from the water side as not to hinder or obstruct the fishermen in making their flakes, or in drying and curing their fish? (ix) How many flakes are allowed to each fishing boat and of what length? Whether they are extended in length according to the custom used in Newfoundland from the shore up into the land? Or whether any of the inhabitants or fishermen extend their flakes along shore or possess a larger front to the water side according to the number of their boats than was formerly allowed at Newfoundland in that case? (x) Whether the fishing ships that proceed directly from this Kingdom to Nova Scotia are victualled here and provided with all other necessities of British product

1731. [113]

and manufacture for the whole voyage ? Or whether the masters of freighters do not furnish themselves with provisions that are brought from the Plantations or other parts to Nova Scotia ? (xi) Whether any of the fishing ships pursue or follow the old laudable custom of allowing their ships' company shares of what they make in the voyage instead of wages, and in such case how much doth the charge of fitting out and maintaining a ship of one hundred with fifty men and ten boats amount to for the whole voyage ? (xii) How many taverns or publick houses for entertainment may there be kept in Nova Scotia or at least in the harbour of Canso ? Are they kept only by the inhabitants or by the people of New England ? Also do they trust the fishermen upon their own credit or do the masters of the ships permit them to trust their crews and deduct the same out of their respective wages, hire or shares in order to satisfy the said tavern keepers ? Are not the poor seamen hereby tempted to spend the greatest part or the full amount of their wages, and frequently run so far in debt, that they are forced to remain as servants to the inhabitants, and at last constrain'd to betake themselves to New England ? (xiii) Whether the inhabitants do not usually trust their own servants employ'd in the Fishery with rum and other stores to a greater value than their wages amount to ? And whether they are not generally paid in the manner as in the foregoing article ? (xiv) Whether the New England traders do still continue to entice and carry thither numbers of handicraft men, seamen and fishermen ? And whether any of the inhabitants do favour or assist them therein.

Continues :—And whereas H.M. Consuls and the merchants residing in Portugal, Spain and Italy unanimously complain, that by reason of the ill curing of fish for some years past the consumption thereof is considerably lessen'd and that the trade will be lost if effectual care be not taken to reform the same, you are therefore to use your best endeavours that the masters of the fishing ships and inhabitants do take the greatest care in curing their fish with good salt, and with a sufficient quantity and in preparing, husbanding and ordering the same that the credit thereof may be again recovered and esteemed in the several places for which it is carried for sale. And further upon this occasion you are very particularly to inquire into their manner and method of taking and curing their fish, what quantity of salt they allow for curing 100 quintals ? Whether they are guilty

1731. [113]

of any abuse in the ordering thereof? Whether the fish taken at a distance from the land by their small vessels, is not prejudiced before it is brought on shore? Whether the inhabitants or the fishing ships are most to be blamed? And in short from whence these complaints arise? And what methods are to be taken to prevent or rectify whatsoever is amiss? You are also to enquire into the present state of the French Fishery at Canso and Cape Breton, What number of ships, boats and men they employ therein? Whether they do not encourage Irish Papists who are disaffected to our present happy establishment and what number of such may now be among the French. And to send the best account you can of their strength number and trade. You are farther to enquire whether any of the Officers of the garrison at Canso are concerned directly or indirectly by themselves or others in the Fishery? Or whether they take upon them to dispose of fishing rooms, beaches, stages etc. to any person whatsoever or hire out the soldiers to fish. *Anneæd.*

113. ii. Scheme of the Fishery at Canso for 1731. [C.O. 218, 2. pp. 237-246.]

April 1. **114.** A list of the accounts or information received by the Council of Trade of the manufacture of woollen, linnen, and cotton cloths in New England, New York, New Jersey, Pennsylvania and Rhode Island, and of the Instructions given to the several Governors thereupon, and of such accounts of the progress made in the sd. Provinces in the planting hemp and flax as have come to their knowledge. Laid before the House of Commons. [C.O. 5, 916. pp. 405-407.]

April 1. **115.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, five Acts of Bermuda, 1730 :—(i) *for extirpating all free Indians, mulattoes (such as have been slaves and freed or to be freed) so as they do not remain in these islands above the space of six months etc.* (ii) *to prevent any person keeping any drudge or other instrument to drag up oysters and muscles and to prevent hawking or dragging up the same etc. ;* (iii) *for raising a sum of money for payment of the publick debts ;* (iv) *for the further and better regulating negroes and other slaves, and for the more effectual and speedy way of prosecuting them in criminal cases ;* (v) *for the security of the subject to prevent the forfeiture of life and estate upon killing a negro or other slave.* [C.O. 38, 8. pp. 154, 155.]

April 2. **116.** Governor Hunter to the Duke of Newcastle. *Refers* to letter of March 17. *Continues* :—The elections are not as yet over, but so far as they are gone I think matters are mended. Capt. Dent who is to leave us in ten days will cary with him

1731. [116]

the acts pass'd last session, with the minutes and journals of Council and Assembly. Last Supreme Court in Feb. one William Wood was condemn'd to dye for the murder of Lodwick Lardiek. The Judges weighing the circumstances of the fact have recommended him as an object of H.M. mercy. I beg that your Grace wou'd be pleas'd to interced that he may be inserted in H.M. next Genll. pardon. Two masters of vessels arriv'd from the South Kays on Cuba report that the Govr. at Havanna had demanded the treasure on board the *Adventure*, Ld. Muskery, Capt., but the Chevr. de Herrera and Guiral who were by the Genll. of the galleons charg'd wt. ye care of it remonstrating against that demand, my Lord refus'd to comply with it. But the *Adventure* proving leaky Ld. Muskery desir'd leave to putt the treasure on shoar to lighten the ship, and it was accordingly lodg'd in the Custom-house, and that the Govr. refus'd to restore it or suffer it to be put again on board notwithstanding the protestations and remonstrances of ye abovenamed gentlemen. Be this true or false I had no share in the advice of sending it that or any other way till H.M. pleasure was known. I perhaps may be able by Captain Dent to give your Grace a more particular acct. of this as well as other matters *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. May 25th. *Holograph*. $1\frac{2}{3}$ pp. [C.O. 137, 53. ff. 332, 332v, 333v; and (duplicate, *endorsed*, R. 24th June) 137, 47. f. 93.]

April 2.
Jamca.

117. *Same to same.* This letter relates wholly to the troops here. "The private men in good condition and health, and I hope may continue so, if we can keep them from rumm." *Repeats gist of 17th and 20th March*, and request for Coloneley of this regiment.

Concludes :—A disappointment in this may lessen the authority my rank and station require amongst the souldiery and prove matter of triumph to others here who wish me ill on no other account that I can guesse at but my zeale for H.M. service *etc.* *Signed and endorsed as preceding.* *Holograph*. $1\frac{1}{3}$ pp. *Enclosed*,

117. i, ii. Lists of Commissions in the two regiments granted by Major General Hunter. $1\frac{1}{2}$ pp. and $1\frac{1}{8}$ pp. [C.O. 137, 53. ff. 334, 334v, 335v, 336v, 338, 338v.]

April 2.
Jamca.

118. *Same to Same.* This additional trouble to your Grace serves only to inform you, that one Innis just arriv'd from Providence tells me that he is well assur'd that the account we had of what had happen'd to Ld. Muskery is groundlesse and false, for he saw a person at Providence who was at Havana when Ld. Muskery sail'd from thence, wt. the treasure. Tho' so far it was true, the Governor had actually demanded it. *Signed and endorsed as preceding.* *Holograph*. $\frac{3}{4}$ p. [C.O. 137, 53. ff. 340, 341v.]

1731.

April 2.
London.

119. Governor Hunter to Mr. Popple. This goes by Capt. Cockayne. By Capt. Dent who is to sayle a week hence I shall send to their Lordships the acts of last session, the Minutes and Journals of Council and Assembly. The Compys. of ye two Regiments are gone to their respve. barracks or quarters. The private men in pretty good health hitherto, but we have lost many officers *etc.* The elections are not yet over, so I can make no judgement as yet of ye new choice, but it can not be worse then ye former. I rubb on through fatigue, vexation and expens without any other prospect or view but that of doing my duty. I am very sincerely Sr., Your very humble and much obliged servant. *Signed*, Ro. Hunter. *Endorsed*, Reed. 1st June, Read 13th July, 1731. *Holograph*. 1 p. [C.O. 137, 19. ff. 55, 56v.]

April 2.
Whitehall.

120. Council of Trade and Plantations to Governor Johnson. We have received your letter of the 27th of December last, with the old broad Seal of South Carolina, and take this opportunity of congratulating you upon your safe arrival in your Government, where we hope that by your prudent conduct and behaviour, all those unhappy disputes and divisions which have so much disturbed the publick tranquility of the Province, may soon be settled. We are very glad that ye seven Cherrokee Indian Chiefs are well satisfied with the treatment they receiv'd whilst in England; as it will be the means of continuing a lasting peace with the Indian nations bordering on your Government. Mr. Lowndes, the Provost Marshal of your Province, having again apply'd to us against ye act for the better settling of the Courts of Justice in South Carolina, passed there by Mr. Middleton in 1726, we take this opportunity of mentioning to you our objections, that you may get another act pass'd not lyable thereto. This Act alters the first process in civil actions from a summons to a capias; but as in our Law-process, a summons is always suppos'd to be made in the first instance, we think this part of the law ought to be amended and a summons instituted instead of the capias, and the rather, as it will be the least expensive way of proceeding and ye most speedy to obtain justice. By another clause in this law we observe the Provost Marshal is obliged to give security for the due performance of his Office; but as the Provost Marshal seldom resides in Carolina, we think it will be more adviseable to oblige the Deputy to give security, or to mention it in general terms that who ever shall personally execute that office, shall be obliged to give security. As we have no objection to the other parts of this Law, they may be re-enacted again, but you must take care, to insert in the new law a clause to suspend its taking effect till approved by H.M. We hope shortly to receive some account of ye affairs under your managment. [C.O. 5, 401. pp. 17, 18.]

1731.

April 2.
Whitehall.

121. Mr. Popple to Capt. Hyde. Since your indisposition prevents your attending the Board *etc.*, I am to send you the following queries, and to desire the answer of the several Lessees of the Bahama Islands thereto as soon as possible. (i) What quantities of land are disposed of by the Lessees? To whom and for what term? (ii) What is the reserv'd rent? (iii) What the Lessees value their lease at? (iv) What do the Lessees annually pay to the Proprietors? (v) What arrear is there of that payment? [C.O. 24, 1. p. 195.]

April 3.
London.

122. Capt. Hyde to Mr. Popple. In reply to preceding, encloses following replies by the Gentlemen concerned *etc.* Signed, John Hyde. Endorsed, Reed. 4th, Read 7th, April, 1731. Addressed. $\frac{1}{2}$ p. Enclosed,

122. i. Replies of the Lessees of the Bahama Islands to the queries of the Board of Trade. (i) Lond., 3rd April, 1731. The present Lessees have never granted any lands nor given any authorities for granting of lands but by letters, and they have never had any information of any lands having been granted pursuant to those letters. (ii) v. Sept. 9th. (iii) They value their interest at 20,000*l.*, having paid to the old Lessees 20,000*l.* for the fortifications, and other improvements made by them in, and they having since expended in that work and in sending over inhabitants, provisions and stores 20,000*l.* more and upwards, and it is apprehended there are several million of acres of land yet unsett. (iv) v. Sept. 9th. (v) 700*l.* is due to the Lords Proprietors for arrears of rent. N.B. The present Lessees have also expended great sums in dislodging of pirates, defending the islands from the Spaniards, of which accounts have formerly been laid before the Lords Commissioners for Trade, and the great importance these islands are of to the Crown appears in several memorials presented to the late Queen and his late Majesty *etc.* $1\frac{1}{4}$ pp. [C.O. 23, 2. ff. 222, 223, 223v., 225v.]

April 3.
Charles Town
So. Carolina.

123. Governor Rogers to Mr. Popple. My illness and other accidents have as yet hindred me from answering the several queries sent me from your bord, weh. I now intended to have done from hence, but Capt. Gascoigne, Commander of one of H.M.'s of War and two others under his command being now on sayleing hence for ye Bahama Islands in order to carry on his survey of them, I shall deferre my answer till after I have seen him *etc.*, and viewed Cat Island, we having appointed to meet there *etc.* Fears there may be some defects in the laws sent home, "there being at our first coming together to enact laws few Assemblymen if any acquainted with the manner

1731. [123]

and form of proceedings of Assembly " *etc.* *Continues* :— I hope whatever mistake may have happen'd will be easily amended. I carry with me hence a worthy clergyman and good lawyer, wch. I hope will be at this juncture a great service to the Colony, and I flatter myselfe I shall soon send more agreeable accounts *etc.* Be pleas'd to pardon this hasty scrawle. *Signed*, Woodes Rogers. *Endorsed*, Reed. 11th Sept., 1731. 2 pp. [C.O. 23, 3. ff. 75, 75v., 78v.]

April 5. **124.** Order of House of Commons. That the Commissioners for Trade *etc.* do lay before this House a copy of the Act passed in Barbados, 21st, 1715, *etc.*, laying a duty on all foreign sugars, molasses, rum, *etc.*, imported into that island, *etc.*, together with his late Majesty's Order in Council, 17th Oct., 1717, confirming the same, and also the 96th Instruction given to Governor Worsley. *Signed*, E. Stables, Cl. Dom. Com. *Endorsed*, Reed., Read 6th April, 1731. $\frac{3}{4}$ p. [C.O. 28, 21. ff. 156, 157v.]

April 5. **125.** Order of House of Lords. The Commissioners for Trade *etc.* are to lay before this House (i) an extract of Cadwallader Colden's report so far as it relates to the navigation of the River of Canada, (ii) also an extract of their report to H.M. in 1717, so far as it relates to the trade carried on between New England and the Foreign Sugar Colonies, under the title of Massachusetts Bay ; (iii) a copy of an act of New England, 1694, *for the better rule and government of the Indians etc.* (iv) and of an act of Barbados 1715, *laying a duty on foreign sugars etc. imported*, H.M. order confirming same, as Governor Worsley's 96th Instruction. *Signed*, Wm. Cowper, Cler. Parliamentor. *Endorsed* : Reed. 16th, Read 23rd April, 1731. $1\frac{1}{2}$ pp. [C.O. 28, 21. ff. 158, 158v., 159v.]

April 5.
Boston.

126. Governor Belcher to the Council of Trade and Plantations. Has taken all the care he could to prepare answers to queries. Acknowledges letters of 1st Dec. and 12th Feb. last. *Refers to* his letters of 7th Oct. and 10th Dec. *etc.* *Continues* :—I am sorry I have occasion to say to your Lordships this new Assembly have still gone backward, and seem resolv'd to do nothing more [*as to the Governor's salary*] than they did about forty years agoe when the form of government they are now under was first erected, tho' I have left no stone unturn'd to bring them to a sense of their duty. I can't help covering to your Lordships what has been printed here out of the Decr. *Political State*. Who was the vile authour I know not ; the unreasonable ill nature at me is glaring, but I think there is a strong implication of rudeness and ill manners to his most Excellent Majesty and his Ministers, and it has been printed here to poison H.M. subjects as much as possible and has obtain'd the desir'd effect at present so far as to make this

1731. [126]

Assembly (to use the authour's compliment upon them), more obstinate in their refusal of complying with H.M. Instruction. I think it's a pity but that the authour of the Political State should be punisht according to his demerits. Notwithstanding this villanous libel your Lordships will see by the Journals I inclose (from the last sent you) my Speech to the Assembly, and I still hope. Nothing shall make me swerve from my royal Master's honour and interest. Your Lordships say you should wait my next letters before you make yr. report to H.M. upon this subject, which letters of mine I find were arriv'd before the ships came away by which your Lordships wrote me. I think it my duty to say to your Lordships that I have at present no expectation of this Assembly's doing anything in compliance with H.M. Instruction. They must rise in a few days and I shall then transmit to your Lordships what more may occur, and conformable to the Royal Charter, I shall issue writs for a new Assembly 26 instant and keep your Lordships duly acquainted with all my proceedings. Upon my arrival I directed the King's Secretary to send your Lordships under the seal of the Province at the end of every session all the laws to which I gave my assent and this he tells me he faithfully observes. In your Lordships' letter of 1 Decr. you seem to fault me that you had seen the printed votes of the Assembly to that time from another hand, I must ask pardon of your Lordships if I made any slip on this head. I am sure it was not from any want of respect, but rather the contrary, least I should trouble you with too many letters onely to cover the House's Journals *de die in diem*: But I thought if I sent them at the end of every session, they would be more compleat, and more acceptable to yr. Lordships. Yet if you would have me practice otherwise for the future I shall (on your notice) duly observe it *etc.* Adds to denial of his intending a military expedition against Frederick's Fort the further confirmation that he did not keep or demolish it when Hamilton, who called himself Col. Dunbar's Lieutenant, upon sight of the King's Sheriffe (with his posse) deserted the fort, and ran into the woods like a lusty fellow *etc.* Begs to be served with a copy of any complaint before proceedings are taken upon it *etc.* P.S. I should take it as a favour for the future, that your Lordships would commit the care of your letters for me to Francis Wilks Esq., they will always then come to me in great safety. Signed, J. Belcher. Endorsed, Recd. 21st May, Read 9th June, 1731. 4 pp. Enclosed,

126. i. Extract from the *Political State of Great Britain* for the month of December, 1730. *Abstract*:—The people of Massachusetts Bay continue in their refusal of complying with H.M. Instructions for appointing a fixed salary upon their Governors. Governor Belcher insists as strongly as ever any Governor did upon

1731. [126. i]

their complying, although he was formerly positive against it and was the person sent over by them to oppose any measures for such a settlement *etc.* Most of the Council it seems think differently for the Assembly. *Quotes* Governor's Speech to Council and Assembly 2nd Oct., 1730; urging a settlement, quoting the Board of Trade's report on the subject in 1723, and reminding them that their disputes with the Crown have already cost them over 50,000*l.* From his experience as Agent assures them that nothing prevented a Parliamentary proceeding against them last winter, but the King being willing to give them one more opportunity to show their duty and gratitude by doing what is so just and reasonable. Has the strongest persons to fear that they have "so few friends among the King's Ministers, or in either House of Parliament, as that a proceeding in a way the King says, your final non-compliance must bring it to, will bring into the utmost hazard every thing that is dear to the people of this country" *etc.* *Quotes* letters from Mr. Belcher and Mr. Wilks, Oct. 24, 1729 and 1st May, 1730, and Governor Belcher's Speech to the Representatives, 16th Oct., 1730. *The author concludes* :—I am perswaded that these Gentlemen of the House of Representatives, who are so resolute against the commands of the Crown, have the honour and interest of their native country, and the liberties and properties of those they represent nearly at heart, otherwise they would never make such a stand against Royal Power, which has now so many ways of rewarding its humble servants, and so large a scope for punishing its opposers *etc.* The Assembly resembles our Parliaments in England, the Governor represents the King and the Council the Lords, and every member of our Parliament would hear with disdain the threats and expressions in Governor Belcher's Speech and Message, "terms more proper for a French Monarch, or a Turkish Bashaw than for an English Governor" *etc.* As His Majesty "is so gracious, that he ever desired to be independent of his Parliament, I cannot think that he ever desired that any of his Governors should be independent of the people, they are sent to rule over. . . I am perswaded that his Majesty has so great a regard for the liberties of his people, that he will not give the least handle for oppressing them in any part of his Dominions, nor be disoblged by any man who delivers his sentiments bravely and freely" *etc.* When any King allows himself to be lulled asleep by putting a stop to

1731. [126. i]

informations through the liberty of speech and the Press, he is in danger of being himself involved in a ruin, which was at first only designed against his Ministers. Nor is a standing army of any effect in such circumstances. The dispute in New England is of the more weight, because it is one of the best and most powerful Colonies we have in the West Indies. Oppression and arbitrary sway generally take their rise in the most remote parts of a nation. For that reason, he is particularly interested in New England, "because I am afraid it should one time or other serve as a precedent at Home." *Enclosed*, Recd. 31st May, 1731. *Printed*. 16 pp.

126. ii. Governor Belcher's answers to the queries sent from the Council of Trade and Plantations, *relating to New Hampshire*. Portsmouth, N.H., 25th March, 1731.
- i-iii Describes situation, boundaries and constitution.
- (iv) The Trade is lumber and fish. The number of shipping belonging to the Province are five consisting of about 500 tons, and there are about 3 or 400 tons of other shipping that trade here annually. Seafaring men, about 40. The trade is much the same as it hath been for ten years past. (v) The Province makes use of all sorts of Brittish manufactures, amounting to about 5000*l.* sterling pr. annum, which are had principally from Boston. (vi) The trade to other Plantations is to the Caribbee Islands, whither we send lumber and fish, and receive for it rum, sugar, molasses and cotton. The trade to Europe, is to Spain or Portugal in the above mentioned commodities, from whence our vessels bring home salt. (vii) The method appointed to prevent illegal trade is by a Collector appointed at home. (viii) The natural produce is timber, principally oak, pine, hemlock, ash, beech and birch and fish, and they are the only commodities of the place. The timber is generally manufactur'd into beams, plank, knees, boards, clap-boards, shingle and staves, and sometimes into house-frames; the value annually exported to Europe and the West India Islands, is about 1000*l.* sterling.
- Mem.* Besides what is above mentioned, the coasting sloops from Boston carry from hence thither in fish and timber about 5000*l.* per annum. (ix) No mines yet discovered except a small quantity of iron ore in two or three places. (x) Inhabitants, about 10,000 whites and 200 blacks. (xi) They are increased about 4000 this ten years last past, 1000 of which (at least) are people from Ireland lately come into and settled in the Province. Another reason of the increase of

1731. [126. ii]

late more than formerly, is a peace with the Indians the four last years. (xii) The Militia, about 1800, consists of two regiments of foot with a troop of horse in each. (xiii) There is one fort or place of defence called Fort William and Mary, situate on the great island in Newcastle, which commands the entrance of Piscataqua river, but is in poor low circumstances, much out of repair, and greatly wanting stores of war, there not being one barrel of gunpowder at this time there. (xiv) There are no Indians in this Province now in time of peace (xv), nor in the neighbourhood, except in the Eastern parts of the Massachusetts Bay, and their number and strength we are not acquainted with. (xvi) No neighbouring Europeans except French who are extremely numerous at Canada and Cape Briton *etc.* (xvii) The effect which the French settlements have on this Province is, that the Indians are frequently instigated and influenced by them to disturb the peace and quiet of this Province, we having been often put to a vast expence both of blood and treasure to defend ourselves against their outrages. (xviii) The revenue is 396*l.* by excise, which is appropriated towards the Governor's salary, and three or four barrels of gunpowder from the shipping, which is spent at the Fort, there is no other revenue but by tax on polls and estates. (xix) Ordinary expense of the Government is about 1500*l.* *etc.* Extraordinary and contingent charges as repairs of the Fort, powder *etc.* about 500*l.* more. (xx) The establishments are 600*l.* salary on the Governor, 8*s.* per diem on each Councillor, and 6*s.* per diem on each Representative during the session of General Assembly, and 150*l.* per annum on the officers and soldiers at the Fort. There is no other establishment, civil or military, but the Assembly make allowances from time to time as they see meet to the Treasurer, Secretary *etc.* The Judges, Justices, Sheriffs, Clerks and all other officers fees are fix'd by a law to be paid by the parties whom they serve, but they have nothing out of the Treasury. All the officers, civil and military, hold their places by commission from the Governor except the Councillors appointed by the King, the Recorder of deeds chosen by the General Assembly, the Clerks of Courts nominated by the Judges of the said Courts respectively, and select men, assessors, constables, tithing men and other town officers chosen by the towns at their respective town meetings. *Signed, J. Belcher. Endorsed as preceding. 5 pp. [C.O. 5, 872. ff. 207-210v., 211v.-222v. (with abstract).]*

1731.

April 5.
Whitehall.

127. Duke of Newcastle to the Council of Trade and Plantations. The King having been pleased to appoint the Honble. George Clinton, Esq., Commander of H.M.S. the *Salisbury*, to be Governor of Newfoundland; I am to desire you will accordingly prepare a draught of a Commission and Instructions for him, for H.M. approbation *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 6th April, 1731. $\frac{2}{3}$ p. [C.O. 194, 9. ff. 72, 75v.]

April 6.
Whitehall.

128. Mr. Popple to Mr. Burchett. Acquaints him with preceding, and that the Heads of Enquiry sent 30th March, will now be inserted in Capt. Clinton's Instructions *etc.* [C.O. 195, 7. pp. 257, 258.]

April 6.

129. Petition of John Slater to the Council of Trade and Plantations. Petitioner hath several proposals to lay before this honble. Board relating to trade and commerce, highly advantagious and beneficiall to the British Nation and to the createing of an irreparable union between it and the Cherokee Nation *etc.* *Prays to be appointed to the management thereof &c.* $\frac{2}{3}$ p. *Enclosed*,

129. i. Proposal of John Slater of Peter Street *etc.* West Smithfield. It hath run in my mind ever since the Indian Cheifs hath first been here, that those people might be brought to work in a manufactory, which might be highly essential to the welfare of Great Britton, and to the Cherokee Nation, and would cause such a mutual union between both Nations, that their interest would be inseparable. *Proposes* that silk-worms and white mulberry trees be sent out *etc.* for the climate of Carolina is suited to produce raw silk, and the native Cherokees should be instructed in the art of making it *etc.* *Endorsed*, Reed. 6th April, Read 23rd Nov., 1731. *Addressed*. 1 p. [C.O. 323, 9. ff. 81, 82, 82v.]

[April 6].

130. Thomas Gould, of London merchant, John Ochs, Jacob Stauber and Ezekiel Harlan to the Council of Trade and Plantations. Outline their proposals for their settlement of Georgia, "behind the great mountains in Virginia" (v. 30th March *supra*), and its constitution *etc.* *Signed*, Thomas Gould, John Ochs, Jacob Stauber, and Ezekiel Harlan. $5\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 102-104v.]

April 6.

131. Sir William Keith to the Council of Trade and Plantations. I have in obedience to your Lordships' commands examined the above *etc.*, and I am humbly of opinion, that H.M. may be advised to pass such a grant *etc.* (i) Because until some such settlement be actually made by a numerous

1731. [131]

active people from behind the Great Mountains all along to the River Messissippi, I conceive it will be impossible to prevent foreigners from settling those rich lands in the middle of the Continent which undoubtedly belong to the Crown of Britain and the possession whereof are absolutely necessary to secure and defend from future danger the valuable colonies already settled on the coast and on this side the mountains. (ii) Because such an improvement or inlet to a trade with the numerous native Indians on the Lakes and the branches of the Messissippi will give a new and large vent to the exportation of course woolings and other British manufactures fit for the traffick which is continually decaying at present in all the Colonies on this side the mountains, the game there being wasted and the Indians reduced to a very small number. (iii) Because when this Colony is settled *etc.*, it will infallibly raise the vast tracts of lands on each side as far West as the banks of the Messissippi to a considerable value which without such a settlement can never be of any use to the Crown of Britain, but on the contrary will be a prey to foreigners and a continual annoyance to the Colonies on this side the mountains. (iv) Because the European market *etc.* seems to be overcharged with the present product of our Colonies on the main such as tobacco, rice, corn *etc.* which forces the people into trifling manufactures of their own, and discourages or lessens the exportations from Great Britain, whereas by the settlement proposed where the people can have no access to navigation a new scene is open'd for the produce of silk, hemp, flax, potash, wines *etc.*; besides the vast extent of Indian trade already mention'd. (v) Because there is no prospect of ever making such a settlement by slow degrees with such a handfull of people as can be spared at any one time from Great Britain or Ireland, and therefore it is adviseable by such a grant as this to tempt or induce a large body of foreigners to bring over their effects and subject themselves in this manner to the Dominion of Britain, under which no doubt they will rejoice to feel the happy effects of a resonable freedom. (vi) Because this settlement and the improvment of the lands being to be carried on at the general expence of the settlers themselves and not out of the estates of the persons to be named in the patent, the success will probably depend on its being evidently the interest of the patentees to invite the settlers on much easier terms than would in all likelihood be obtain'd from persons of overgrown estates and opulent fortunes, for it is a certain truth that where large quantities of land in America have fallen into the hands of such proprietors they have been rarely sought after and commonly very slow in improvement besides persons of a low degree in life who are known amongst their equals to be morally honest and industrious will sooner perswade a multitude into a voluntary expedition of this nature than those of greater wealth and higher rank who are ever liable to the

1731. [131]
 suspicion and jealousy of the vulgar. (vii) Because let the patentees in such a case be men of what condition or estate you please, the only security which the Crown can depend on is a limitation in the patent that the lands shall actually be settled in a certain time or the grant shall be void and from the nature and scituation of the place proposed if 100 familys once sit down there will be no room to apprehend any loss or ill consequences from such a beginning. (viii) Because if this proposition should be rejected at this time, it is uncertain whether an application of the like nature made by foreigners to the Court of France would not readily be accepted perhaps on terms not very agreeable to the interest of Great Britain. *Signed*, W. Keith. *Endorsed*, Recd., Read 6th April, 1731. 4 pp. [*C.O.* 5, 1322. ff. 105-106v., 107v.]
- April 6. **132.** Mr. Popple to Mr. Fane. Encloses, for his opinion
 Whitehall. in point of law, 13 acts of New York, 1730, *enumerated*. [*C.O.* 5, 1125. pp. 158-161.]
- April 6. **133.** Mr. Popple to Mr. Burchet. Informs him that the
 Whitehall. Heads of Enquiry sent 30th March will now be inserted in Capt. Clinton's Instructions, H.M. having been pleased to constitute him Governor of Newfoundland. [*C.O.* 195, 7. pp. 257, 258.]
- April 7. **134.** Mr. Drummond to the Council of Trade and
 Charing Plantations. Governor Montgomerie wrote to him, 20th July,
 Cross. 1730, that for the good of the town he had agreed to Mr. Rutgers' petition (v. 28th Jan. *supra*). *Signed*, An.(?) Drummond. *Endorsed*, Recd., Read 8th April, 1731. [*C.O.* 5, 1055. ff. 176, 177v.]
- [April 7]. **135.** Deposition by George Montgomerie, of New York, Gent., Thomas Wildman, of New York, tallow-chandler, and Moses Buchanan, surgeon, of St. Martin's-in-the-Fields. Describe the unwholesome condition effects of the swamp in New York "called the Fresh water and adjacent to the King's farm upon the island now called New York Island and which was formerly called by the Indians Manhattan Island," *etc.* *Signed*, Geo. Montgomerie, Tho. Wildman. *Endorsed*, Recd. (from Mr. Sharpe), Read 7th April, 1731. 1 p. [*C.O.* 5, 1055. ff. 174, 175v.]
- April 7. **136.** Governor Belcher to the Duke of Newcastle. The
 Boston. Assembly of this Province has been sitting ever since I did myself the honour of writing your Grace the 1st of March, since which I have been unweary'd in my endeavours to bring them into a compliance with H.M. Instruction respecting my support, and I am now sorry to say to your Grace by the inclosed Journal of the House of Representatives that they are gone

1731. [136]

rather backward than forward in this matter. Nor do I at present concieve any hopes of their coming to a juster sense of their duty to the King. In a few dayes I must call another Assembly according to the Royal Charter, and when I meet them I believe I shall soon be able to make a judgement to your Grace what they will be likely to come into. I have, may it please your Grace, a hard time of it to support the King's honour in the character of his Govr. at the expence of my own estate *etc.* Will issue Proclamations as ordered Sept. 25th, received 3rd April, and observe orders relating to piracies *etc.* *Signed*, J. Belcher. *Endorsed*, R. May 10th. No papers came inclosed. 2 pp. [C.O. 5, 898. Nos. 73 ; and 83.]

April 8. **137.** Order of King in Council. The Committee having
St. James's. reported that the hearing of the petitions of the Planters, Traders and inhabitants of Barbados, the merchants and traders to the Sugar Islands, and the Mayor, Aldermen and traders of Liverpool trading to the Sugar Colonies, complaining of the trade between the foreign Sugar Colonies and Ireland and the Northern Colonies, had been put off till 26th April, upon the petition of the Counsel for the Northern Colonies, so that they might receive answers thereto from the said Colonies ; but that the merchants and planters concerned in the said petitions had this day represented that they have now made application to the Parliament for relief, and therefore prayed to be permitted to withdraw said petitions ; leave is granted accordingly. (Cf. A.P.C. III. No. 22). *Signed*, Temple Stanyan. *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 3 pp. [C.O. 28, 22. ff. 69-70v.]

April 8. **138.** Mr. Popple to Capt. Hyde. Acknowledges receipt of
Whitehall. replies *supra*, and requests copy of the lease of the Bahama Islands. [C.O. 4, 1. p. 196].

April 8. **139.** Order of King in Council. Approving report of
St. James's. Committee and of Council of Trade and ordering that a grant of 62,000 acres in New York be passed under the Great Seal to Sir Joseph Eyles *etc.* (*Set out*, A.P.C. III. No. 231.) *v.* March *supra*. *Signed*, Temple Stanyan. *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 2½ pp. [C.O. 5, 1055. ff. 194-195v.]

April 8. **140.** Messrs. Gould, Stauber, Ochs and Harlan to the Council of Trade and Plantations. Being well apprised of Sir W. Keith's knowledge in all the affairs of America and of the respect the Germans already settled in those parts as well as the Indians bear to the name and character of that gentleman *etc.*, propose that " he be first named along with us in any such grant " of lands *as desired* 30th March, 6th April. *Signed*, Tho. Gould,

1731. [140]

Jacob Stauber, John Ochs, Ezekiel Harlan. *Endorsed*, Recd. 9th April, Read 11th May, 1731. 1 p. [C.O. 5, 1322. ff. 108, 109v.]

April 10. **141.** Order of House of Commons, that the Council of Trade and Plantations lay before the House a copy of the Act of New York, 1709, to *prevent selling or giving rum or other strong liquors to the Indians*. *Signed*, E. Stables, Cl. Dom. Com. *Endorsed*, Recd. 10th, Read 13th April, 1731. $\frac{1}{2}$ p. [C.O. 5, 1055. ff. 182, 182v.]

April 14. **142.** Order of Committee of Council. Referring following
Whitehall. to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd. 17th, Read 29th April, 1731. $1\frac{1}{3}$ pp. *Enclosed*.

142. i. Petition of Ralph Noden, Agent to Lt. Governor Pitt, to the King. H.M. having thought fit, for the benefit of his subjects in generall, to prohibit Governors from laying any claim to the produce of whales, whereby the salary granted to Lt. Governor Pitt will be reduced by 100*l.*, *prays* that a like sum may be granted him in lieu thereof. *Signed*, Ra. Noden. *Copy*. $1\frac{1}{2}$ pp. [C.O. 37, 12. ff. 71, 71v., 75v.]

April 14. **143.** Order of Committee of Council for hearing appeals,
Whitehall. complaints *etc.* from the Plantations. The Council of Trade and Plantations are to lay before the Committee the proofs and papers relating to the case of Mr. Brown, Judge of the Vice-Admiralty Court, Pa., as soon as they are transmitted *etc.* (v. C.S.P. 7th Sept., 1730 and A.P.C. III. No. 117). *Signed*, Temple Stanyan. *Endorsed*, Recd. 28th, Read 30th April, 1731. $1\frac{1}{4}$ pp. [C.O. 5, 1268. ff. 7, 7v., 12v.]

April 14. **144.** Order of Committee of Privy Council. Referring
Whitehall. following to the Council of Trade and Plantations, who are to receive the opinion of the Attorney and Solicitor General upon said petition and that of Samuel Waldoe, referred 15th April last, and afterwards to report upon the whole matter to the Committee. *Signed*, Temple Stanyan. *Endorsed*, Recd. 23rd, Read 28th April, 1731. $1\frac{1}{2}$ pp. *Enclosed*,

144. i. Petition of Sir Bibye Lake, grandson and heir of Capt. Thomas Lake, late of Boston, in behalf of himself and of Col. Edwd. Hutchinson of Boston, and John Walcot of Salem, son and heir of Josiah Walcot late of Salem decd., who with Edward Hutchinson were grandsons and heirs of Major Thomas Clark of Boston, to the King. *Rehearses* claim to lands on Kennebeck River in the Eastern parts of Massachusetts Bay. (Cf. C.S.P. 1716-17 *etc.* and A.P.C. III. No.

1731. [144. i]

209). *Describes* their attempts to make settlements there interrupted by Indian wars. Since the last war with the Indians (1722) petitioner with Col. Hutchinson and Mr. Waleott were endeavouring to repair and resettle the premisses and to encourage several families to go there, but were prevented by Col. Dunbar, who pretends some Instructions or Commission from H.M. to make a settlement there and to erect the same into a separate Government. *Pray* that orders may be sent to Col. Dunbar not to molest them *etc.* *Copy.* 7½ pp. [C.O. 5, 872. ff. 88–92v., 93v.]

April 14.
Whitehall.

145. Order of Committee of Privy Council. The Council of Trade and Plantations are to reconsider their representation of 26th March, and report whether any inconvenience would arise in case Mr. Ayscough should be immediately restored. *Cf.* 10th March. (*Set out*, A.P.C. III. No. 230.) *Signed*, Temple Stanyan. *Endorsed*, Reed. 17th, Read 21st April, 1731. 1½ pp. *Enclosed*,

145. i. Copy of representation of Council of Trade, March 26, 1731. 3 pp. [C.O. 137, 19. ff. 12–14, 15v.]

April 21.
Jamaica.

146. Governor Hunter to the Duke of Newcastle. *Encloses* duplicates of April 2nd. *Gives details of* Commissions granted to officers of the Regiments. *Continues* :—By all accounts from the other quarters the men are in good health and condition and kindly used by the inhabitants. And I assure your Grace that I think most of these who have dy'd are felo de se. And if I can not in this Assembly get some law pass'd to restrain the abuse in the retail of rumm, the companys in the towns will be very thin in little time. The Secretary at War will acquaint your Grace with what I wrote to him about recruiting. If that or some such method be not taken, the Regiments will in time dwindle to nothing, for it is not in the power of the officers to recruit after the common method *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. June 24th. *Enclosed*,

146. i. Copy of following letter to B. of T. [C.O. 137, 53. ff. 342, 342v., 343v.–347v.]

April 21.
Jamaica.

147. Governor Hunter to the Council of Trade and Plantations. *Encloses* duplicate of 11th Feb. *etc.* *Continues* :—The several resolutions of the Assembly in the said letter mention'd have since that been pass'd into four acts, transmitted herewith, vizt. :—(i) An act for *raising several sums of money and applying the same to several uses.* This act is commonly call'd the Additional duty bill and varies little in substance from the annual bills which usually passes under the same

1731.

[147]

title, only in this particular, that they have rais'd the duty upon the import, and export of negroes from ten shillings pr. head to fifteen in the former, and from twenty shillings pr. head to thirty on the latter. (ii) An act for *raising a tax by the poll, and on trades, offices and rents*. In this act 12*d.* per head is laid upon every negro and 3*d.* pr. head upon all cattle, horses, mares, asses and mules, and the trades, offices and rents are taxed as usual. It is computed that this bill will raise about 6000*l.*, and it is appropriated intirely for an additional subsistence to the officers and soldiers of H.M. two Regiments. (iii) An act *to oblige the several inhabitants to provide themselves with sufficient number of white people, or pay certain sums of money in case they shall be deficient, and for laying a duty upon shipping the same to several uses*. This act is what is commonly call'd our Deficiency bill, and the deficiency being 26*l.* the same as last year, it is believed the inhabitants will rather chuse to keep their complement of white men and women than pay so high a tax; if so this bill will raise but little money. The duty upon shipping has been inserted in former bills, but generally appropriated to the repairing the walls at Port Royal; in this bill it is given as well as the deficiency for an additional subsistence to the two Independent Companys, and the overplus (if any) to such other uses as the Assembly shall direct. (iv) An act for *appropriating and applying money for the additional subsistence of the officers and soldiers of the two regiments arrived and for other uses, and ascertaining the voluntary rewards to be allow'd for the services they perform, and to oblige such parishes as have not already made up their accompts and paid their arrears to do the same in a prefix'd time*. This act appropriates all the money arising by the three acts abovemention'd and not already appropriated for and towards an additional subsistence to the two Regiments *etc.*, each Commissioned Officer resident on the Island 20*s.* pr. week, to each private man 5*s.* pr. week, the Officers' pay to commence from the day of their landing here, and the private men's to take place so soon as the King's provisions they brought with them should be expended, the additional subsistence to continue only for six months and no longer, tho' the fund be for one whole year this bill; this bill also obliges the parishes where the troops are or shall be sent to provide good and convenient barracks, and allotts 12 negroes to attend each company to be allow'd and paid for by the Church Wardens of such parishes where the troops are quartered, and a reward of 10*l.* is given for each rebellious negro the soldiers shall either kill or take alive; there is also in this bill two small appropriations of 150*l.* and 100*l.* which the publick stood engaged for, and the Council making no objections to this bill nor the other three, I gave my consent to them, and finding the Assembly not in a disposition to enter upon any other business I did at their own request grant them a recess. On 2nd March

1731. [147]

I summon'd a Council who gave it as their unanimous opinion that the Assembly should be dissolved, which [I] did accordingly by proclamation; the chief motives which induced me to joyn in opinion with them are, that this Assembly had already sat three years, that in this last session great heats and disputes arose about allowing an additional subsistance to the troops, in so much that it was all that the friends of the Government could obtain in the House to provide for them for six months to which the words "and no longer" were added, and tho' I had so often recommended to this Assembly several very material things for the welfare of the Country, such as the better settling the uncultivated lands, and giving due encouragement to white people to become inhabitants, and to consider on some proper measures to regain credit (now almost at a stop) and to establish the value of our coin, yet they neglected doing any thing upon those heads, tho' apparently for their own good. The merchants began to be uneasie, and as I am credibly inform'd wish'd for a dissolution, so that I acquiesce in giving the country a new choice. Writts were accordingly issued for calling a new Assembly to meet on the fourth of May, and the elections are just over and by what I can guess I hope we shall have a better disposed Assembly, there are more merchants in it than in the last and about one half are new Members, tho' several of the old who were there before meerly for protection have by their industry got in again, *etc.* *Encloses* Minutes of Council to 9th March, and Journals of the Council and of the late Assembly, "but as there is nothing of great moment in them, I shall not trouble your Lordships with any particuar observations." *Continues* :—The troops are gone to the several parishes to be barrack'd as the Act directs, and I hope in a short time they will be better reconciled to their quarters, the Gentlemen of fortune in the Island being very kind to them. They write me from Port Antonio, where Admiral Stewart now is, that all the troops there are in perfect health, and considering the infaney of that settlement pritty well accommodated. Since Capt. Peters's party who burnt the negro town were disbanded, the rebellious slaves have made incurtions upon some of the out settlements which makes me believe that they are dispersing themselves into small bodys. I shall take all possible care to make the troops usefull and to encourage the country voluntary partys to pursue them. By the last advices from Porto Bello we have an account that the Fair was to begin about the latter end of this month, that there was a great deal of money already arrived from Lima and Panama and more hourly expected, and that it was generally believed the cargo of the South Sea ship *Prince William* would come to a very great market, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Reed. 23rd June, Read 3rd July, 1731. 8 pp. [C.O. 137, 19. ff. 58–61v., 62v. (*with abstract*) 57, 57v.]

1731.
 April 22. **148.** Mr. Popple to Sir Wm. Strickland. Encloses copy
 Whitehall. of Gov. Hunter's letter, as preceding. [C.O. 138, 17. p. 311.]
- April 22. **149.** Council of Trade and Plantations to the Duke of
 Whitehall. Newcastle. Enclose copy of Gov. Hunter's letter announcing
 arrival of the Regiments and the provision made for them by
 the Assembly. *Autograph signatures.* 1 p. [C.O. 137, 47.
 ff. 95, 98-99; and 138, 17. p. 311.]
- April 22. **150.** Mr. Popple to Mr. Burchett. Having just now
 Whitehall. received a message from you to know when the Commission
 and Instructions for Capt. Clinton will be ready *etc.*, they will
 be finished in a day or two. But in the mean time I am to
 desire to know whether the Right Honble. the Lords Commis-
 sioners of the Admiralty have any objection to the incorporating
 the usual Heads of Enquiry to the Commodore on the Newfound-
 land Station into those Instructions which will be given to the
 said Capt. Clinton from H.M. as Governor of Newfoundland,
 that they may be either inserted or left out of the said
 Instructions as the Lords Commissioners of the Admiralty shall
 think convenient. [C.O. 195, 7. pp. 258, 259.]
- April 22. **151.** Mr. Burchett to Mr. Popple. *Replying to preceding.*
 Admty. My Lords Commissioners have no objection *etc.* Signed, J.
 Office. Burchett. *Endorsed,* Read. 22nd, Read 23rd, April, 1731.
Addressed. $\frac{3}{4}$ p. [C.O. 194, 9. ff. 73, 74v.]
- April 22. **152.** Council of Trade and Plantations to the Committee
 Whitehall. of the Privy Council. Enclose following in pursuance of order
 of 30th March. *Annexed,*
 152. i. Draught of Additional Instructions to the Governor
 and Surveyor of the Woods as to laying out and
 granting lands in Nova Scotia. [C.O. 218, 2. pp.
 247-254.]
- April 22. **153.** H.M. warrant granting leave of absence for 12 months
 St. James's. for James Smith, Secretary of New Jersey, to return home and
 use the Bath waters *etc.* Copy. *Countersigned.* Holles
 Newcastle. [C.O. 324, 36. pp. 268, 269; and 324, 50.
 pp. 77, 78.]
- April 23. **154.** Council of Trade and Plantations to the Committee
 Whitehall. of the Privy Council. *Reply to 14th April.* The Council of
 Jamaica has usually consisted of twelve members and no more,
 which number is at present compleat; But if H.M. shall think
 proper upon this occasion to augmt. that number to thirteen
 and to reduce it again upon the first vacancy that shall occur,
 we have no objection thereunto. But in case your Lordps.
 should not be of opinion to advise H.M. to augment the

1731.

[154]

number of his Council in Jamaica, he may notwithstanding restore Mr. Ayseough to his ancient rank either immediately or upon his arrival in Jamaica, giving orders at the same time that the youngest Councillor be suspended from sitting or acting in Council there till a new vacancy shall happen. [C.O. 137, 18. pp. 312, 313.]

April 23.
Whitehall.

155. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*, 155. i. *Same* to the King. Enclose draughts of Commission and Instructions for Governor Clinton. *Continue* :— These draughts are copied from those which were given to Capt. Osborn, 1729 *etc.*, with the addition of the two last articles in the Instructions only, by the first of which Capt. Clinton is directed to enquire what effect has attended the Commission given to his predecessor for creating Justices of Peace and other Civil Officers; how those Officers have behaved themselves in the execution of their trust, whether the people have paid due obedience to their authority, or what obstructions have been given thereto. By the other article directions are given for framing a scheme of the quantities of fish taken annually at Newfoundland with the number of ships, boats and men employed upon that service in a more methodical manner than has hitherto been practised; whereupon Capt. Clinton is to transmit his observations to this Board that we may be thereby enabled to make the necessary representations to your Majesty. [C.O. 195, 7. pp. 259–261.]

April 24.

156. Order of House of Lords. That the Commissioners for Trade and Plantations do lay before this House the Journal of the House of Representatives for the Massachusetts Bay for the two last sessions ending before the 1st of Jan. last, and also such act or acts of the Assembly which lay a higher or a different duty on goods imported in ships not of the build of, or belonging to the people of the Massachusetts Bay. *Signed*, Wm. Cowper, Cler. Parliamentor. *Endorsed*, Reed. 21st, Read 27th April, 1731. $\frac{3}{4}$ p. [C.O. 5, 872. ff. 86, 87v.]

April 26.
Boston.

157. Governor Belcher to the Duke of Newcastle. *It is his* duty and honour to acquaint his Grace with the affairs of his Government. *Hopes that* his letters of Jan. 23 will acquit him from Col. Dunbar's false complaint. Col. Dunbar's Lieut. having deserted the fort (*v.* Jan. 11 no. 6, *encl.* :) the Sheriff went into it and siezed the robbers he was in quest of, so, "had I had any design on the fort, I might have kept or demolisht it." Begs for a line from his Grace in his justification *etc.* *Continues* :

1731. [157]

—Notwithstanding Collo. Dunbar's vile representation of me I hear by the late ships from London he is appointed my Lieut. Govr. in New Hampshire, this I can scarce believe and would humbly pray of your Grace it may not be so. For how is it possible, My Lord Duke, that the King's service and the good of that Province can be carry'd an end with tolerable quiet, and satisfaction while I must have an officer under me diametrically opposite to me. Let me therefore once more beg it of your Grace as a singular favour, that Collo. Sherburn (whom I formerly mention'd) may be my Lieut. Govr. in New Hampshire *etc.*

Continues :—I dissolv'd the Assembly of this Province the 24th currant after a session of upwards ten weeks, and have issued writs for a new one to be held 26th of next month, in conformity to the Royal Charter, and I now inclose to your Grace the votes of the Assembly from my last to the compleating of this session, by which it will be seen that the Assembly has done nothing in compliance with the King's Instruction either as to fixing a salary on H.M. Govr. or paying the arrearages so justly due to their late Govr.'s children. As to the latter I have no expectation of the Assembly of this Province paying those poor orphans one farthing altho' they had voted the late Govr. Burnett 6000*l.* a few days before his death, yet now they are not willing to pay what was due to that time being 3400*l.* As to the fixing a salary *etc.*, I have no reason to think they will ever do anything further or nearer to it than the bill transmitted Dec. 10th past *etc.*

Continues :—Yet might I have the royal leave to sign such a bill I should not doubt it's being a good security for the Govr.'s support. I would therefore humbly pray of your Grace that I might have the King's leave to receive my support in that manner, or some other way that the King may think proper. For with great deference to your Grace I believe it will not be thought reasonable that I must go on to support the King's honour in the character of his Govr. at the expence of my own estate. I can assure your Grace that it's not possible to live in any tolerable figure as the King's Govr. with what H.M. has so moderately requir'd of this Province for a salary to his Govr. and was it fixt agreeable to the King's Instruction, no gentn. with the best husbandry could lay up one farthing at the year's end. I am told the House of Representatives are addressing H.M. to take off the force of several of his royal Instructions to me. I hope your Grace will give no countenance to an attempt of this nature till I am serv'd with a copy of the said Address or Memorial, that I may make a return to your Grace, and say how far the granting what they are desiring might affect the honour and interest of the Crown, and upon receiving your Grace's commands in this matter, I shall with the greatest fidelity to H.M. return my answer to your Grace *etc.* I am surpriz'd at the assurance of the House of Representatives to be asking favours of the King, while they

1731. [157]

will not pay the least decent or dutifull respect to his orders. But they are daily endeavoring to ineroach upon the little power reserv'd to the Crown in the Royal Charter, of which your Grace may be assur'd I will part with none without my royal Master's orders. I think they have too much already unless they us'd it with more good manners to the King, and more to the benefit of their countrey. *Signed, J. Belcher. Endorsed, R. July 10th. 4 $\frac{3}{4}$ pp. Enclosed,*

157. i. Bill passed by Council of Assembly of the Massachusetts Bay, Oct. 28, 1730, *for the more sure support of H.M. Governor.* Whereas this Court has usually been in the practice of granting money at two several sessions of the Court yearly for the support of H.M. Governour here, and by resolves only, which method of late years hath been acceptable, wherefore *etc.* be it enacted that 200*l.* be granted to Governor Belcher *etc.* as an ample and honourable support, and suitable to the dignity of his station *etc.*, and to the intent provision may be thus made H.E.'s support for the future, be it further enacted that at the beginning of the sessions in May next there shall be an act pass for an ample and honourable support *etc.* to H. E. Jonathan Belcher, and so annually at the beginning of every May sessions during his continuance in the administration of this Government and his residence here *etc.* *Copy. 1 $\frac{1}{2}$ pp.*

157. ii. Governor Belcher's Proclamation directing sufferers from pirates, especially from the Spanish Islands, to lodge their complaints in the Vice-Admiralty Courts, with a view to reparations or reprisals *etc.* Boston, 6th April, 1731. *Signed, J. Belcher. Printed. 1 p. [C.O. 5, 898. Nos. 84, 84 i, ii.]*

April 26.
Boston.

158. Governor Belcher to the Council of Trade and Plantations. *Repeats* gist of letter to D. of Newcastle *supra.* *Concludes* :—To-morrow morning I set forward to H.M. Provinces of New Hampshire, where I have order'd the Assembly to meet me the 29 curreant *etc.* I must return hither to meet a new Assembly 26th of next month *etc.* *Signed, J. Belcher. Endorsed, Recd. 29th, Read 30th June, 1731. 6 pp. [C.O. 5, 873. ff. 33–36v., 37v., 38v. (with abstract).]*

April 27.
Whitehall.

159. List of Papers laid before the House of Lords, pursuant to their order of 15th April, relating to the trade of the Sugar Islands and the Northern Colonies. [*C.O. 29, 15. pp. 225, 226.*]

April 30.
Whitehall.

160. Duke of Newcastle to the Council of Trade and Plantations. The King having been pleased to appoint Walter Chetwynd, Esq., to be Governor of Barbadoes in the room of

1731. [160]
Henry Worsley, Esq., *you are to* prepare draughts of a Commission and Instructions for him *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 4th May, 1731. $\frac{3}{4}$ p. [C.O. 28, 21. ff. 160, 161v.]
- April 30. **161.** Duke of Newcastle to the Council of Trade and
Whitehall. Plantations. H.M. having been pleased to appoint Col. William Cosby to be Governor of the Leeward Islands in America, in the room of Lord Forbes, *you are to* prepare draughts of his Commission and Instructions *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 4th May, 1731. 1 p. [C.O. 152, 19. ff. 44, 47v.]
- May 2. **162.** H.M. Warrant granting leave of absence to Lt.-General
St. James's. Mathew for 12 months upon his private affairs. *Signed*, Holles Newcastle. [C.O. 324, 50. pp. 38, 39.]
- May 2. **163.** H.M. Warrant granting leave of absence to Lt. General
St. James's. Mathew for 12 months to attend his private affairs *etc.* *Counter-signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 269.]
- May 10. **164.** Lt. Governor Gooch to the Council of Trade and
Virginia Plantations. *Refers to* previous answer (Feb. 27) to Commissioners of Customs *etc.* Has lately received advice of some fresh opposition to the Act for improving the staple of tobacco, with strong insinuations as if it was calculated to lessen the quantity of tobacco, raise the price in foreign markets and so injure H.M. revenue and the interests of England *etc.*, and also that it will oppress and discourage the poor. (v. 11th and 12th March, 1731). *Argues at length in reply*. The county has already entred upon the expence of building the warehouses *etc.*, weights and scales and nails *etc.*, are likewise sent for from England *etc.* *Hopes* that the law may be allowed an opportunity of evincing its usefulness from the certainty of its four years continuance. The people are discouraged by the rumour, industriously reported, that it will stand but one year *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 14th July, Read 25th Aug., 1731. *Holograph*. 4 pp. [C.O. 5, 1322. ff. 172-173v., 174v.]
- May 11. **165.** Order of King in Council. Restoring John Ayscough
St. James's. to his former place and rank as President in the Council of Jamaica, and suspending the youngest Councillor from sitting and acting, till a new vacancy shall happen. (*Set out*, A.P.C. III. No. 230.) *Signed*, W. Cary. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. $5\frac{3}{4}$ pp. [C.O. 137, 19. ff. 90-92v., 93v.]

1731.

May 11
(dated 1732 ?
by error).
Whitehall.

166. Council of Trade and Plantations to the Duke of Newcastle. Encluse following to be laid before the King. *Annexed*,

166. i. *Same* to the King. Lay before H.M. draught of a Commission for Walter Chetwynd, Esq., to be H.M. Governor of Barbadoes, being in the usual form *etc.* *Mem.* :—The Commission is not entered by reason of Mr. Chetwynd's death. [*C.O.* 29, 15. *pp.* 226, 227.]

May 11.
St. James's.

167. Order of King in Council. Approving draught of Commission for Governor Chetwynd. *Signed*, W. Sharpe. *Endorsed*, Reed. 10th Aug., Read 11th Aug., 1731. 1 *p.* [*C.O.* 28, 22. *ff.* 71, 72v.v. ; and *signed*, W. Cary, 5, 192. *f.* 493.]

May 11.
Whitehall.

168. Council of Trade and Plantations to the Duke of Newcastle. Encluse following to be laid before H.M. *Annexed*,

168. i. *Same* to the King. Submit following, and will prepare the necessary Instructions with all possible dispatch *etc.* *Annexed*,

168. ii. Draft of H.M. Commission for Col. William Cosby to be Governor of the Leeward Islands. *In the usual form.* [*C.O.* 153, 15. *pp.* 71–98.]

May 11.
St. James's.

169. Order of King in Council. Approving Commission for Governor Cosby. *Signed*, W. Sharpe. *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 1 *p.* [*C.O.* 152, 19. *ff.* 63, 66v.]

May 11.
London.
“3 mo. or
May 11.”

170. Mr. Partridge, Agent for New Jersey, to the Council of Trade and Plantations. Requests report upon Acts of New Jersey, (i) *for securing the freedom of Assemblys*, and (ii) *to enable the inhabitants to support their Government, discharge their engagements in the Loan Office etc. by making warrant 20,000l. in bills of credit.* *Signed*, Richd. Partridge. *Endorsed*, Reed. 4th May, Read 15th June, 1731. *Addressed.* 1 *p.* [*C.O.* 5, 972. *ff.* 204, 205v.]

May 11.
Whitehall.

171. Council of Trade and Plantations to the Committee of Privy Council. *In pursuance* of Order on Mr. Noden's petition, 14th April, *refer* to representation of 5th Feb., 1730, and *add* :—The inhabitants of the Bermuda Islands are the only people concerned in the whale fishery there, and they have not hitherto made any objection to the paying for licences on this account to their Governor. But notwithstanding this, if your Lordships should be of opinion that this Instruction lately given for preventing the Governor from granting licences should still continue in force in Bermuda since the benefit thereof will wholly result to the inhabitants of those islands, it would seem reasonable that they should make the Governour some satisfaction for it, and that he should be instructed to

1731. [171]
recommend in H.M. name to the Assembly of Bermuda, that they do take the proper means for raising and paying an adequate salary to him in lieu thereof not exceeding the annual sum of 100*l.*, because the whale licences have always been computed to him as part of his salary to that value. [*C.O.* 38, 8. *pp.* 156–158.]
- May 11. **172.** Mr. Popple to Mr. Attorney and Mr. Solicitor General.
Whitehall. Enclouses for their report petitions of Samuel Waldo and Sir Bibey Lake as to lands in New England *etc.* [*C.O.* 5, 916. *p.* 411.]
- May 11. **173.** Order of King in Council. Approving Commission
St. James's. for Governor George Clinton *etc.* *Signed*, W. Sharpe. *Endorsed*,
Reed. 10th, Read 11th Aug., 1731. 1¼ *pp.* [*C.O.* 194, 9. *ff.* 78, 78*v.*, 81*v.*; and (*signed*, W. Cary) 5, 192. *f.* 541.]
- May 11. **174.** Order of King in Council. Approving Instructions
St. James's. for same. *Signed and endorsed as preceding.* 1½ *pp.* [*C.O.* 194, 9. *ff.* 79, 79*v.*, 80*v.*; and (*signed*, W. Cary) 5, 192. *f.* 555.]
- May 11. **175.** H.M. Warrant for a Commission to Governor Clinton.
St. James's. [*C.O.* 5, 192. *ff.* 545–552.]
- May 11. **176.** Order of King in Council. Approving draughts of
St. James's. Additional Instructions to Governor Philips and Mr. Dunbar, empowering them, so soon as any quantity of wood land shall have been set out for the service of the Royal Navy by the Surveyor, to set out a like quantity of land not fit for that service, and to grant the same to such persons as shall be disposed to settle *etc.* (*v.* 9th Feb. and A.P.C. III.) No. 229. *Signed*, W. Cary. *Copy. Annexed*,
176. i. H. M. Additional Instructions to Governor Philips. St. James's. 12th May, 1731. *To above effect.*
176. ii. H. M. Additional Instructions to David Dunbar, Surveyor General of H.M. Woods. *Of same date and to same effect.* *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 1½ *pp.* [*C.O.* 324, 36. *pp.* 271–276; and (*without enclosures*). 217, 6. *ff.* 37, 37*v.*, 38*v.*]
- May 12. **177.** Mr. Perry to [? the Duke of Newcastle]. Your Grace
St. Mary Ax. was so good yesterday as to promise me the nomination of a Councillor in the room of Mann Page Esq. deed. *etc.* *Recommends* John Taylor *etc.* *Signed*, Micajah Perry. ¾ *p.* [*C.O.* 5, 1344. No. 6.]
- [May 13]. **178.** Sir Wm. Keith to the Council of Trade and Plantations. A petition is presented to the Board for their report to H.M. in favour of a certain tract of land lying to the westward of the

1731. [178]

great mountains in Virginia, as far as the River Messissippi, on which the petitioners engage themselves on pain of forfeiting the grant to settle in three years time 300 Switz and German families all Protestants, at their own proper charge and in five years time to give 500*l.* sterl. pr. ann. for the support of such Governour as the King shall appoint. Sir Wm. Keith offers his service with the Crown's authority and instructions to go over and see this settlement effectually made, and he humbly conceives it to be of very great importance to secure, without loss of time, so good a barrier for all the British Colonies on the North Continent of America. *Holograph.* 1 *p.* *Enclosed,*

178. i. Proposals for a constitution for above proposed Colony. A Council of 9 to 15 to be yearly elected by the freemen, the majority, capable of speaking or writing English, together with the Governor to have authority to make laws *etc.* *Holograph.* 3 $\frac{1}{3}$ *pp.* *The whole endorsed,* Recd., Read 13th May, 1731. [*C.O.* 5, 1322. *ff.* 153–154, 155, 157, 157*v.*]

May 14.
Whitehall.

179. Duke of Newcastle to Governor Worsley. H.M., considering the length of time that you have been at Barbadoes, has been pleased to appoint Mr. Chetwynd to succeed you *etc.* I am to acquaint you at the same time with H.M. most gracious acceptance of your services in that employment. And H.M. leaves it to you to come away before Mr. Chetwynd's arrival, leaving the care of the Government to the President of the Council there according to what is directed by your Instructions, or to wait for Mr. Chetwynd's coming thither, as you shall think proper, and may best suit with your conveniency. I hope it will not be disagreeable to you after so long an absence to return home to your friends, among whom I desire the honour of being numbered *etc.* *Signed,* Holles Newcastle. [*C.O.* 324, 36. *p.* 270.]

May 15.
Boston.

180. Mr. Willard to [? *Mr. Popple*]. Encloses Minutes of Council and of Assembly for half year ending Feb. last, and Acts past at the Session in Feb. *etc.* *Signed,* J. Willard. *Endorsed,* Recd. 25th June, Read 22nd July, 1731. *Holograph.* $\frac{1}{2}$ *p.* *Enclosed,*

180. i. Receipt for above papers. *Signed,* J. Mulberry. Slip. [*C.O.* 5, 873. *ff.* 39, 40, 41*v.*]

May 17.

181. Mr. Fane to the Council of Trade and Plantations. Has no objection to the 12 acts of New York, passed in 1730, but thinks that the act *to prevent the taking or levying on specialtys more than the principal interest and cost of suit* ought to be repealed "for the reasons mentioned in the annex paper delivered me by Mr. Paris" *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd., Read 19th May, 1731. 1 $\frac{1}{2}$ *pp.* *Enclosed,*

1731.

181. i. Objections to Act of New York referred to in preceding. There is no more occasion for such a law in New York than in Gt. Britain, much less for such an extraordinary remedy as this. It directly encourages an infinity of actions. It tempts the defendant to agree first that there is more due than there really is and pay it, and then bring his action for these double damages and treble costs *etc.* Arguments at length against the Act. 3 *closely written pp.* (v. May 25th no. 197). [*C.O.* 5, 1055. *ff.* 184–186, 187v.]

[May 17]. **182.** Petition of Ralph Noden to the Duke of Newcastle. In behalf of himself and the rest of the merchants of London trading to Bermuda *etc.* *Prays* for a decision upon their petition for the return of the Independent Company to Bermuda *etc.* *Enclosed*, Rd. from the Duke of Newcastle's Office, 17th May, 1731. 1 p. [*C.O.* 37, 26. *No.* 42.]

[May 17]. **183.** Petition of John Yeamans, Agent of Antigua to the Council of Trade and Plantations. There is a standing instruction, that in the absence of the Capt. General of the Leeward Islands, the Lt.-General shall have the chief command, and in his absence the Lt. Govr. of Nevis, and in his absence the President of the Council there. It may be of ill consequence to oblige the Lt. Governor of the other islands to receive their orders from the Lt. Governor or President in Nevis, not only on account of the inferior rank and value that island holds among the rest, but also because it is situated to the leeward of Antigua and Montserrat. There has been no person at the head of Nevis for several years resident there bearing H.M. Commission. As the Lt. General is in a few days expected in England, the chief command must devolve on the President of Nevis *etc.* Antigua is generally esteemed the most considerable of the Leeward Islands on account of its produce, and is by reason of its strength, situation and the convenience of its harbours, of much more consequence to the Crown than either of the rest. It lies to windward of all the rest, and in case of any attempt from an enemy, orders may be dispatched and succours from thence landed in a night's time, in any of the other islands, which could not without great difficulty and length of time be dispatched from either of the said islands to Antigua, because the vessels that carry them must ply to windward, and run the risque of being intercepted by an enemy. 'Tis owing to these advantages, as memorialist conceives, that the Capt. General is obliged by his Instructions to reside in Antigua nine months in the year; that it has always been thought necessary to keep the greatest part of H.M. forces there, and that this is the station appointed for the King's

1731.

[183]

ships of warr, unless when the service requires they should be out upon the cruize. It seems where the greatest strength is *etc.* *Prays that* the Lt. Governor of Antigua may be appointed to command in chief in the absence of the Capt. and Lt. General *etc.* *Endorsed*, Reed. 17th, Read 21st May, 1731. $2\frac{1}{3}$ pp. [C.O. 152, 19. ff. 45-46v.]

May 18.
Admty.
Office.

184. Mr. Burchett to Mr. Popple. Desires that the usual Heads of Enquiry may be transmitted for Capt. Clinton, who is under orders to proceed to Newfoundland, "without staying for his Commission appointing him Governor, in case it does not pass very quickly, the season of the year, requiring his being there as soon as possible." *Signed*, J. Burchett. *Endorsed*, Reed., Read 18th May, 1731. *Addressed*. $\frac{3}{4}$ p. [C.O. 194, 9. ff. 77, 82v.]

May 18.
Whitehall.

185. Mr. Popple to Mr. Burchett. *Reply to preceding.* The usual Heads of Enquiry were sent to you 30th March *etc.* [C.O. 195, 7. pp. 261, 262.]

May 18.
Whitehall.

186. Council of Trade and Plantations to the King. Recommend David Bray for the Council of Virginia, in the room of Colo. Man Page, decd. [C.O. 5, 1366. p. 60.]

May 19.
Whitehall.

187. *Same to Same.* Representation upon Act of Virginia *for amending the staple of tobacco etc.* Quote views of Mr. Fane, Lt. Gov. Gooch, and the Commissioners of Customs, and the Agent for Virignia. (*v. supra.*) The most considerable merchants in the tobacco trade concurred with the Lt. Govr. and Agent of Virginia in desiring that the act might be confirmed. *Continue* :—We are obliged however to take notice to your Majesty, that some time since a law of this kind, which had been in force about three years, was repealed at the desire of the merchts., which in many particulars bore a very near resemblance to the act in question, tho' they now seem to have altered their opinion upon that subject, yet since the Commissrs. of the Customs do apprehend that this act may be prejudicial to your Majesty's revenue at home, we could not advise the immediate confirmation of it. But, considering that this act is calculated to recover the credit of so important a staple as that of tobacco, considering it contains many clauses well intended for the prevention of frauds, and that your Majesty's quit-rents and the duty of 2s. upon every hogshead of tobacco in Virginia may be thereby improved, because the same will for the future be paid in better tobacco than formerly; we are humbly of opinion that your Majesty may be pleased to suffer this act to lye by probationary, until the effects of it may be seen. This being a temporary law, will of itself expire

1731. [187]

in four years, but, by the method we humbly propose, it will be always in your Majesty's power to repeal the same within that term, if it shall be found prejudicial to your Majesty's revenue, or to the trade of your subjects. [*C.O.* 5, 1366. *pp.* 61-71.]

May 19.
Whitehall.

188. Order of Committee of Privy Council. Referring enclosed memorial to the Council of Trade and Plantations for their report. *Signed*, W. Cary. *Endorsed*, Reed. 21st May, Read 8th June, 1731. $\frac{3}{4}$ p. *Enclosed*,

188. i. Petition of Thomas Beake, Agent for St. Christophers, to the King in Council. The Legislature of said island finding that the fees in the Court of Chancery were very grievous, and that some of them had a law for their sanction and that in other the Secretary had bound himself by no rule but his own will, and that in several other branches of his office, and particularly in the Ordinaries he had raised his own fees and the Governor's to near the double of what they are settled at by law, and Wavell Smith the Secretary having of late set no bounds to his fees, occasioned a generall dissatisfaction and outery among the people, and some instances of it happening to appear in proof before the Assembly, when the Chief Justice and Mr. Smith were heard at the barr of their house upon a contest between them, and the Assembly being then upon a bill for regulating fees they thought it proper to enquire into the Secretary's fees and to redress any grievance that might arise therefrom. To this end on 19th Dec. 1729 the Assembly appointed a Committee to enquire what fees were then taken by the Officers attending the Courts of Justice *etc.*, with power to send for persons, papers and records. Mr. Smith alarmed at such an order and well knowing his actions would not bear examination, when the Committee summoned him and his deputy to attend with an account of such fees, himself refused to attend, and sent his Deputy with an account only of what fees he took in the Courts of King's Bench and Common Pleas, and of no other fees in his other offices *etc.* On 30th Dec. therefore it was resolved by the House that he was guilty of an act of disobedience to its authority, but deferred passing any censure upon him, to see whether he would make any excuse and produce his dockett of fees and offer himself to be examined thereupon *etc.* But in defiance and contempt of the House, he went off to Antigua, whereby it was evident he refused to comply with the orders of the House *etc.* Whereupon the House addressed the Governor to suspend him from the Council until H.M. pleasure should be known,

1731. [188. i]

(21st April). The Council on the same day resolved that his refusing to attend the Committee in order to his being examined was a great contempt and indignity offered to that House, and that such his refusall was a presumptuous offence. They also advised the Commander in Chief to send a copy of the Assembly's address and their resolve to Mr. Smith requiring him to send immediately a satisfactory answer, in default whereof they then advised his Honour to suspend him from his office as Councillor. Mr. Smith sent (19th May) an answer upon which the House resolved that it was untrue and evasive and reflecting on the honour and justice of the House and in a conference with the Council resolved to request his Honour to suspend Mr. Smith. *Prays that H.M. will remove him from the Council etc. Copy. 6½ pp. [C.O. 152, 19. ff. 48, 49-52, 53v.]*

May 19. **189.** Order of Committee of Privy Council. The representation of the Council of Trade 27th Oct., having been referred to the Committee, order that John Ashley be inserted in Governor Chetwynd's Instructions as a Councillor of Barbados *etc. Signed, W. Cary. Endorsed, Recd. 9th, Read 15th June, 1731. 1 p. [C.O. 28, 22. ff. 49, 50v.]*

May 19. **190.** Order of Committee of Privy Council. Similar order, upon representation of 15th Nov., for Othniel Haggot to be Councillor of Barbados. *Signed and endorsed as preceding. 1 p. [C.O. 28, 22. ff. 51, 52v.]*

May 19. **191.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed, W. Cary. Endorsed, Recd. 21st May, Read 1st June, 1731. 1 p. Enclosed,*

191. i. Petition of George Phenney, late Governor of Bahama Islands, to the King. Prays to be relieved from the bond into which the Assembly compelled him to enter for repayment of the sums levied during his administration. The money never came into his hands, but was applied solely to the public service with the consent and advice of the Council. Petitioner with great assiduity repaired the forts *etc.* He was obliged to build two large sloops to fetch provisions for the garrison, which being cast away, he lost upwards of 800*l.* Prays for an allowance for his expences and losses *etc.* (*Set out, A.P.C. III. pp. 316-318.*) 4 pp.

1731.

191. ii. Certificate by the Council of Bahama Islands as to the additions and repairs made by Governor Phenney to Fort Nassau *etc.* *S.*, 2nd Dec., 1727. *Eleven signatures. Copy.* $1\frac{3}{4}$ pp. [*C.O.* 23, 2. *ff.* 226, 227–229v., 230v.]

May 19.
Whitehall.

192. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations. (*Set out, A.P.C. III. No. 236. q.v.*) *Signed, W. Cary. Endorsed, Recd. 21st, Read 26th May, 1731. 1 p. Enclosed,*

192. i. Petition of Alured Popple to the King. *Prays for* an establishment of fees, as in other offices, in place of certain voluntary gratuities hitherto customarily paid by persons reaping benefit from the labour of petitioner and his clerks *etc.* *Concludes:—*Petitioner has faithfully served the Crown, under the Commission of Trade above 16 years, 9 as Secretary *etc.* And forasmuch as Petitioner and his clerks have no other advantage from their places than their salarys, (so long as these gratuities are suspended) which salarys are not a sufficient subsistence for the said Clerks, and after the usual deductions but a very moderate maintenance for your petitioner and his family, *prays* that annexed schedule of fees may be approved *etc.* (*v. A.P.C. III. No. 236.*) 5 pp. *Annexed,*

192. ii. Schedule of fees proposed. 1 p. [*C.O.* 388, 80. *Nos.* 5, 5 i, ii.]

May 20.
Whitehall.

193. Council of Trade and Plantations to the Duke of Newcastle. Enclose extract of Govr. Worsley's letter of 27th March, in relation to same English vessels lately seized at Sta. Lucia *etc.*, for H.M. directions thereupon. *Autograph signatures.* 1 p. *Enclosed,*

193. i. Extract referred to in preceding. 1 p. [*C.O.* 253, *Nos.* 61, 61 i; and (*without enclosure*) 29, 15. p. 228.]

May 20.
Richmond.

194. H.M. Instructions to Governor Clinton. [*C.O.* 5, 192. *ff.* 559–597.]

May 22.
No.
Carolina.

195. Mr. Moseley to the Duke of Newcastle. *Encloses* “as the most direct way of it's coming to the Royal presence. If I err in the manner I humbly ask your Grace's pardon.” *Continues:—*So soon as the Committee shall have prepared the representation of the state of this country, I shall transmit it unto your Grace, and to the Lords Commrs. of Trade *etc.* pursuant to the directions of the Assembly. In the mean time I ask liberty to assure your Grace, that I find in the people of this province a most hearty zeal and affection for H.M. person and Government, and a readiness to comply with all H.M.

1731. [195]

Instructions to the utmost of their power, which I trust will be very evident to your Grace when you shall see the Journal of the Assembly. I am preparing a large map of this province for H.M. view, drawn from several observations I collected when I was Surveyor Genll. of this Province and many helps I have received from several gentlemen of this and the neighbouring Governments, the particulars whereof shall communicate to your Grace when I send the map, *etc.* *Signed*, E. Moseley. $1\frac{1}{4}$ pp. *Enclosed*,

195. i. Address of the General Assembly of North Carolina to the King. We *etc.* with chearfulness lay hold of this opportunity on our first meeting after the publication of your Majesty's purchase of the sovereignty of this Province; to acknowledge with the profoundest gratitude the many blessings we enjoy under your auspicious and happy reign. It is with the greatest pleasure we observe your Majesty and our gracious Queen Caroline always intent on promoting the happiness of all your people; and altho' we are so remote from your Royal presence, we find ourselves nevertheless assured of your fatherly care and concern. We are in duty bound to acknowledge as a particular mark of your indulgence, the placing over us H. E. George Burrington Esq. *etc.*, who by his behaviour during the time he governed this Province for the Lords Proprietors rendred himself very agreeable to the people by the great care he then shewed in his due administration of Justice, and in promoting the welfare of this Province; on which occasion his indefatigable industry and the hardships he underwent in carrying on the settlement at Cape Fear deserves our thankful remembrance. The Governor having laid before us several of your Majesty's Instructions relating to this Province, we think it our duty thankfully to acknowledge your Majesty's great clemency and goodness expressed in those Instructions toward the people of this your Province; and as some of them do necessarily require that your Majesty should be informed of the state and condition of this country, we have directed a Committee to transmit a true state thereof. *Pray for* H.M. long reign and the succession of the House of Hanover. *Signed*, E. Moseley, Speaker. 1 p. [C.O. 5, 308. Nos. 11, 11 i.]

May 22.
Richmond.

196. H.M. Warrant for a Commission to Governor Chetwynd and revoking that of Governor Worsley. [C.O. 5, 192. ff. 497-540.]

1731.

[May 25].

197. Mr. Paris to the Council of Trade and Plantations. Prays on behalf of Wm. Jamison, Jos. Murray and Wm. Smith of New York that the Act of New York to *prevent the taking or levying on specialities etc.* (v. 17th May) may be reported for repeal. The Act is wholly unnecessary, in no sort agreeable to the laws of Great Britain, and fatal to fair traders and creditors in that province, who cannot run the risks they must do under it in suing for their just debts *etc.* *Signed*, Ferd. John Paris. *Endorsed*, Reed., Read 23rd May, 1731. 1 p. *Enclosed*,

197. i. Order of Supreme Court, New York, 20th Oct., 1730, upon a petition of William Fowler, alleging that John Leisley had levied the penalty of a bond amounting to 122*l.* 7*s.* sued for besides costs of suit *etc.* *Copy. Signed*, Fred. Morris. D. Secry. $\frac{3}{4}$ p. [C.O. 5, 1055. ff. 188, 189, 191.]

May 26.

198. Sir W. Keith to Mr. Delafaye. If his Grace the Duke of Newcastle is pleased to bestow but a very little time in considering the nature of our petition *etc.*, and the immense view as well as importance of the settlement proposed, I can make no doubt *etc.* of his patronage *etc.* and favourable influence towards promoting so generous an undertaking for the defence of H.M. Dominions and the public benefit of this Kingdom *etc.* If explanations or his attendance are desired, he is daily to be found at his lodgings "in Brew House yard near Privy Garden" *etc.* *Signed*, W. Keith. *Holograph*. 1½ pp. [C.O. 5, 12. ff. 62, 62v.]

May 27.

Whitehall.

199. Council of Trade and Plantations to Lt. Governor Gooch. *Acknowledges* letters *etc.* of 29th June and 7th Sept., 1729, 9th Jan., 9th April, 29th May, 23rd July and 14th Sept., 1730, and 12th and 27th Feb., 1731. *Continue* :— We commend your punctuality in corresponding with us, and we should not have been wanting in proper returns to you, but the subject matter of most of the above-mentioned letters related principally to your scheme for improving the staple of tobacco, and the law which you pass'd in consequence of it, which being matters of very great consequence, required a very mature consideration, and it is but very lately that we have been able to come to any determination concerning them, wherefore we chose to defer writing to you, till we could give you some account of them in our letter. Upon considering this law, we thought it for H.M. service, and for the service of all those who are concern'd in the trade to Virginia, to receive the different opinions of such persons as might give us any further light into this matter; and as we have met with some who were very sanguine for the confirmation of this act, and some as sanguine for the repeal of it, we have chose the midway,

1731. [199]

and have offer'd our opinion to H.M. that the same may lye by probationary, in order to try the good effects you expect may result from it; As the pressing instances you have made, and the many reasons you have offer'd to us in behalf of this act, have greatly weigh'd with us in our resolution concerning the same, we think it the more incumbent upon you, supposing H.M. should be graciously pleased to confirm our report, to have a watchfull eye over the persons who are to put this act in execution, that no partiality be shewn to any person, and thereby bad tobacco exported from your Colony; For we must upon this occasion remind you, that an act of this nature was pass'd in 1713, and after some years experience was repealed in 1717, at the desire of all the Virginia merchants, who did assure the then Board of Trade, that the Agents, who by that act were the same officers, and had the same duty as those who by this are called inspectors, did permit as much trash tobacco, to be exported as before the passing that act. This was one of the reasons why we did not propose your law to be confirm'd, and because we shall now have it in our power to advise the King to repeal the same, as we certainly shall do, if we find by experience that this act does not answer the intent of its passing, better than the other law did, in which case the Colony of Virginia will have been put to a very great expence to no purpose; we must therefore repeat once more, that it is the more incumbent upon you to take great care of the execution of this law, since you have been so very pressing for its confirmation. We have recommended Col. Harrison to be of the Council *etc.*, and he has been appointed accordingly. It was not possible for us to comply with your request in favour of Mr. Armistead, having been for some time before engag'd to recommend Col. Bray, as we have now done in the room of Mr. Page. We are glad to find that you have at last brought the negroes to a quiet submission, and we hope that by your prudent management they may be kept so for the future. Your letter of 14th Dec. last, wherein, you say, you gave us an account of the insurrection of the negroes, never came to our hands. [C.O. 5, 1366. pp. 71-74.]

May 27.
Whitehall.

200. Council of Trade and Plantations to the King. *Representation upon Act of Antigua, 1728, to supply the defects of an act for constituting a Court of Chancery etc.* There are many provisions in this Act for regulating the proceedings of the Court of Chancery in Antigua, and for supplying some defects in a former act referr'd to in the title. But the main purport of the act, is to enable the Lieut. General in the absence of your Majesty's Capt. General, the Lieut. Govr. of Antigua, in their absence, and the President of the Council, in the absence of the other three Officers aforesaid, to preside in and hold Courts of Chancery there, for the hearing of causes and the

1731. [200]

dispatch of such business as shall be depending in the said Court. We have taken the opinion of Mr. Fane, one of your Majesty's Counsel learned in the law, and he conceives the several provisions therein contained, not to be lyable to any objection in point of law, save in one particular only, where it is attempted to exelude all Courts held in any other country except in the island of Antigua, from making decrees or orders in case of suit for lands, tenements or hereditaments, where the interest or thing sued for, shall lye in that island, and in case of personal demands where the person or persons of the defendant or defendants are or shall be resident in the said island, for tho' he is of opinion that this clause will not be sufficient to restrain the jurisdiction of any of the Courts in Great Britain, yet he thinks, it seems to be particularly calculated against the jurisdiction of the Court of Chancery here, which is an attempt which ought to be discountenanced. We have likewise been attended by several merchants and planters, who are desirous that this act should receive your Majesty's royal approbation. The principal reason offered in support of this act, and contained in the preamble, are, that the inhabitants labour under great delays and inconveniences in the prosecuting of their rights in Chancery, by reason of the Chief Governor's frequent and long absence from Antigua, and from a power exercised by the said Govrs. of granting and dissolving of injunctions in causes depending in Antigua, whilst they are resident in some other of the Leeward Islands; and we are of opinion that proper remedies should be provided against these evils. We have no objection therefore to such parts of this act as relate simply to the regulation of proceedings in the Court of Chancery; but we cannot approve that part of it, whereby the Lieut. General, in the absence of your Majesty's Capt. General, or the Lt. Govr. *etc.* in their absence are enabled to preside in and hold Courts of Chancery, because we do apprehend that the appointment of Judges and Chancellors, being a very material part of the royal prerogative, ought always to be exercised immediately by your Majesty, or, by some persons to whom your Majesty shall especially delegate that power, and not by a clause in an act of Assembly, and the rather, because your Majesty may from time to time make such alterations or additions to your Royal orders and appointments as may be suitable to the occasions and advantage of your subjects, but an act of Assembly cannot be repealed, whatever inconveniences may ensue from it, without the consent of the people. The most proper method, therefore, in our humble opinion, of attaining what is proposed by this act, most suitable to your Majesty's royal prerogative, and equally safe and expedient for the people of Antigua, would be, that your Majesty should be pleased especially to appoint some person in Antigua to preside as Chancellor, and execute all the

1731.

[200]

functions of that Office, in the absence of your Majesty's Capt. General or Commander in Chief, by which means the course of Justice would be continued without interruption, and the complaint, which has been so much insisted upon, of granting and revoking injunctions by the Governor General, when absent from Antigua, might likewise be entirely removed. The only objection to the doing of this now, arises from some words in the first Chancery act already refer'd to, whereby it is presumed your Majesty cannot, in any case or on any emergency, appoint another person to preside in the said Court, during the residence of the Commander in Chief in any other of the Leeward Islands, because it is by that law enacted, that from henceforth all and every Court and Courts of Chancery which shall be holden for this island of Antigua, shall consist of and be holden by the Capt. General or Governor in Chief *etc.*, and five or more of the Council of this island at least. But if this be a real difficulty it is at least a difficulty which the Assembly of Antigua may easily remove by a new law, whereby your Majesty may be empowered, notwithstanding the aforesaid Chancery act, or anything therein contained from time to time to nominate such person or persons as your Majesty shall think most proper to supply the duty of the Commander in Chief, and preside, during his absence, in the Court of Chancery in Antigua, may do; But upon this occasion, we cannot help observing, that great caution ought to be had in making concessions of this sort to any Colony, when an uncommon favour already granted, is made use of, as an argument to obtain another still more extraordinary. The people of Antigua are already upon a different footing from the rest of the Leeward Islands, by virtue of the law which this act is intended to amend: For in Antigua only the Councillors have the right of sitting and voting in the Court of Chancery with your Majesty's Governor; But if this new act should pass, the Council with their President, may some times have opportunities of deciding causes without the assistance of the Capt. Genl., Lieut. Genl., or Lieut. Governor, whose presence may reasonably be assumed to be some check upon their proceedings, which might possibly be subject to strong influences, from consanguinity at least, in an island where all the principal inhabitants, by frequent intermarriages, are nearly related. For all which reasons, we humbly propose that your Majesty should be pleased to signify your disallowance of this act. [C.O. 153, 15. pp. 98-105.]

May 27.
Whitehall.

201. Council of Trade and Plantations to the King. *Representation upon Act of New York, 1730, to prevent the taking or levying on specialities more than the principal, interest and cost of suit, and other purposes therein mentioned etc. Continue:* Mr. Fane has made several objections to the confirmation of it, which are both of a legal and prudential nature. The Act

1731. [201]

appears to have taken its rise from some late executions had upon judgments obtained in the Province of New York, whereby the whole penalties of the bonds have been levied instead of the sums really due, and to prevent this practice for the future, this law provides that if, upon any judgment obtained, or upon actions brought and agreed before judgment, any plaintiff or his attorney shall take or levy more than the principal debt, lawful interest and costs of suit, the person or persons so offending shall forfeit double damages to the party grieved, with treble costs of suit, to be recovered in any Court of Record in the province of New York. To this provision, it is objected that according to the practice of the Law Courts in England, plaintiffs do always recover the whole penalties of their bonds, but should they levy more than the real debt, with cost and charges, the party grieved has a remedy by a bill in equity, in which case the plaintiff shall refund with costs, and the people of New York have not only the same opportunity of redressing themselves in a Court of Equity, but likewise an easier way of obtaining Justice, because their common law courts will, upon motion, examine in a summary way into any wrong of that sort, which is what the common law courts in England cannot do, whereby the injured party is obliged to sue for relief in a Court of Equity. It is likewise apprehended that this Act will tend to multiply litigious suits at law, by encouraging the debtor not to oppose or remonstrate against an unwarrantable levy in execution of judgment, or what is still worse, by tempting him to agree in appearance to any exorbitant demand of the plaintiff, and accordingly to pay more than was really due to him, with no other prospect than that of recovering double damages and treble costs of suit, in which case, his gain upon recovery would be proportionable to the money he had knowingly paid in his own wrong. We therefore humbly propose that your Majesty should be pleased to signify your disallowance of it *etc.* [C.O. 5, 1125. pp. 162-164.]

May 29.
Jamaica.

202. Governor Hunter to the Duke of Newcastle. This serves only to cover enclosed, by a chance ship for London, that your Grace may have the earliest notice of what may fall out here. By Capt. Reddish who is to sayle next week *will write* more particularly of the state of affairs here *etc.* Signed, Ro. Hunter. Endorsed, R. 27th July. Holograph. 1 p. Enclosed,

202. i. *Same* to Sir W. Strickland. Jamaica, May 29th. Announces deaths of two officers *etc.* Continues :— The companies are all at their respective quarters in the country, and well barrack'd or lodg'd pretty healthy, and might be kept so were it not for rumm. Our Genll. Assembly are employ'd in finding out methods to accommodate our party with what may

1731. [202. i]

be necessary to enable them to pursue and destroy the rebel slaves *etc.* *Signed*, Ro. Hunter. [C.O. 137, 53. *ff.* 348, 349v.-350v.]

May 31. **203.** Mr. Popple to Governor Talcot. *Acknowledges* letter of 9th Sept. *Concludes* :—My Lords Commissioners desire that you will constantly transmit to them authentick copies of the laws passed in your Assembly, and also accounts of all the publick transactions in your Government for the future. PS. I find that by a letter from your predecessor Mr. Saltonstall, dated so long since as 8th Aug., 1710, he promised the then Lords Commrs. a copy of your Laws as soon as they should come out of the Press; tho' it has not yet been received here. [C.O. 5, 1294. *p.* 29.]

May 31. **204.** The King to Governor Hunter. Order for restoring Richmond. John Ayseough to his place in the Council of Jamaica and suspending the youngest Councillor there, till a vacancy occur *etc.* [For circumstances *v.* A.P.C. III. No. 230.] *Counter-signed*, Holles Newcastle. *Copy.* [C.O. 324, 36. *pp.* 277-279.]

May 31. **205.** Lt. Governor Gordon to the Council of Trade and Philadelphia. Plantations. On the 29th ult. I had the honour to receive your Lordships' commands of 8th Sept. delivered to me by Mr. Browne *etc.* I am so conscious, my Lords, of having done nothing with relation to Mr. Brown but what is just and well to be defended, that I may venture to assure your Lordships his complaint shall receive a proper answer. I have given him regular notice to attend the examinations on my side *etc.* with leave to cross-examine; and he hath already heard such depositions as must make him ashamed to have troubled your Lordships with an affair so frivolous with respect to me, and so exceedingly dishonourable to himself *etc.* *Continues* : In answer to a paragraph in your Lordships' said orders *etc.*, when I received a deputation from the Proprietors *etc.*, I had their instructions to correspond frequently with them, and to acquaint them with the state of their Province, which I have punctually done *etc.*; I likewise knew it was my duty to acquaint H.M. Ministers and particularly your Right Honourable Board, in case anything of moment which might be for H.M. service should occur, and to acknowledge and pay due obedience to those directions I should receive from them, which last I have never neglected to doe. But in this inland Province so few things happen of any consequence to H.M. interest, and scarce any at all have happened since my arrival here, that I judged it improper to take up your Lordships' time with matters of so small importance. *Signed*, P. Gordon. *Endorsed*, Reed. 28th Sept., 1731, Read 4th Oct., 1731 (? *by error for 1732*). 1 $\frac{3}{4}$ *pp.* [C.O. 5, 1268. *ff.* 113, 113v., 118v.]

1731.

June 1.
Whitehall.

206. Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. *Report upon* Mr. Popple's petition relating to gratuities and Office fees. *Set out*, A.P.C. III. No. 236. *q.v.* [C.O. 389, 37. pp. 325-328.]

June 1.
Whitehall.

207. Mr. Popple to Mr. Attorney and Mr. Solicitor General. *Encloses*, for their opinion in general, act of Antigua, 1726, to enable Wm. Gregson of the City of London, gent., a *plantation* formerly belonging to Roger Williams. [C.O. 153, 15. p. 106.]

June 1.
Boston.

208. Governor Belcher to the Council of Trade and Plantations. *Refers to* letter of 26th April and encloses laws since passed in N. Hampshire. *Continues* :—The people there are still very desirous, that I might have the King's leave for signing the bill I transmitted in Dec. last *etc.* *Prays* for dispatch in that matter and for mandamuses for Mr. Waldron and Mr. Gambling for the Council. *Continues* :—I seldom have more than six to attend in Council, which is a great prejudice to the King's service. The 26th ulto. I met the new Assembly of this Province and by their Journal to this time now inclos'd your Lordships will see, they are of the same stamp with the last Assemblies. Nor have I the least expectation of their making any step towards a compliance with the King's Instruction, as to my support, nor do they seem to pay the least deference to any thing that is called an Instruction. I must therefore desire your Lordships wou'd send me the King's leave to receive my support in the way the Assembly is willing to give it, for it cannot be thought consonant to reason, justice or honour that I should go on to support the character of the King's Governour at the great expense of my own estate. With great submission to your Lordships my taking the sum the King has appointed me in the manner the Assembly are willing to pay it cannot prevent or anyways affect what H.M. in his royal wisdom shall think fit to do, for his own honour, in seeing that his orders have all possible obedience paid them. I have in this and every point acted with the strictest fidelity to the King's honour and service, and it is a severe thing for his faithfull servants to suffer in their estates as I have done ever since my arrival. I hope your Lordships will consider my hard case, and let me have the leave I desire, and was granted to former Governours, who had Instructions of the nature of mine, *etc.* *Signed*, J. Belcher. *Endorsed*, Recd. 5th July, Read 4th Aug., 1731. $1\frac{3}{4}$ pp. [C.O. 5, 873. ff. 50-51, 53v. (*with abstract*).]

June 2.
Whitehall.

209. Mr. Popple to Major Ayseough. My Lords Commissioners *etc.* desire of speaking with you to-morrow morning at 11 a'clock, concerning the present condition of Jamaica, and that you will bring with you at the same time any persons that

1731. [209]

you know can give my Lords the best accot. of that matter. *The like letter was wrote* to Mr. Coleman, Mr. Harris, Mr. Morice. [C.O. 138, 17. p. 314.]

June 2.
Whitehall.

210. Minutes of Privy Council. Major General Hunter's letter of 4th July, 1730, with the papers inclosed, representing the defenceless condition of Jamaica the orders sent to him upon them in the Duke of Newcastle's several letters of 12th Oct. and 9th and 30th Nov. were read. And Maj. Gen. Hunter's letters of 23rd Jan., 11th Feb., 17th and 20th March and 2nd and 3rd April giving an account of the receipt of those orders, and of the arrival of the two Regiments at Jamaica were also read. The Secretary at War acquainted the Lords that he had received letters from Maj. Gen. Hunter of the same date and to the same purpose, as also one from Colo. Hayes, dated Match 9, 1730/1, with advice of the defeat of the negroes and the burning of their town; and representing the bad condition of the quarters provided for the soldiers who sicken and dye fast, and that only two companies of his regiment are together; the rest being dispersed in quarters all over the island; which letters were read. Several other letters from officers and other persons at Jamaica (*enumerated*) were read, all which agree in the account of the sickness of the regiments, many of both regiments being ill of fevers and fluxes; that it increased daily; that several officers and abundance of the men were dead; that at the funeral of Colo. Hayes the whole Regmt. were in tears, the surviving Officers almost dead; that their men dyed daily; and that the two regiments would soon fall a victim: that their accommodations were not good; that no provision was made for them or care taken of them; that three Companies of each Regimt. were sent to Port Antonio, a very unhealthy place, which were still on board, quarters not being ready for them; and the rest were disperst all over the island; and some in places where there were no rebellious negroes; except only two companies, that were kept together; that there seemed to be no want of the troops there, unless it were to make them planters; and if the two Independant Companies were compleat, they would be more in number than the detachment of the regiments which is sent to that part where the rebellious negroes are; that the affair of the negroes is a trifle, that they had been defeated and their town burnt; that there had never been more than 30 of them together, that the people of the Island did not value them, nor were in general much pleased with the regiments. A letter from the Lords Commrs. of the Admiralty, 15th March, 1730/1 inclosing copy of one they had received from Major General Hunter concerning the defenceless condition of Jamaica, and his Grace's answer to them of 5th April, with another letter from them of 1st May were read. Their Lordps.,

1731. [210]

upon consideration of the several letters, and finding great difference in the accounts from ye Govr. of Jamaica, and the officers and other persons there, as well with relation to the health and condition of the regiments, as to the service and use they may be of for the security of the island, and the suppressing of the rebellious negroes ; and being informed, that Capt. Dent is daily expected from thence, who is well acquainted with the state and condition of the island, their Lordps. think it most for H.M. service to deferr giving any oppinion in this matter till such time as they have received further information from Capt. Dent, and by the letters he will bring from Jamaica. In the mean time the Board of Trade are desired to enquire of the merchants what necessity they apprehend there may be for the continuance of those regiments at Jamaica. $4\frac{1}{3}$ pp. [C.O. 5, 36. ff. 9-11.]

June 2. **211.** Mr. Popple to Samuel Stork. I am to remind you
Whitehall. that you and the New York merchants who attended the Board, 9th April last, of your having informed their Lordships that you expected the sentiments of your Correspondants at New York concerning the most proper way of maintaining the fort at Oswego, without burthening the fur trade of that Province, *etc.* Enquires whether they have received any such information. [C.O. 5, 1125. p. 165.]

June 3. **212.** Draft of Fort Nassau, New Providence, as repaired and enlarged by Governor Phenney, with drafts of design intended to be finished, and of the fort as he found it *etc.* *Certified by*, Capt. Aspenwald. *Endorsed*, Reed. (from Capt. Phenney), Read 3rd June, 1731. Edmd. Oakley delin. 1 large p. [C.O. 23, 2. ff. 233, 233v.]

June 3. **213.** Account of the loss (930*l.* 5*s.* 3*d.*) sustained by Governor Phenney from the loss of his two sloops (*v.* 19th May). *Certified by*, Peter Goudet. *Endorsed*, Reed., Read 3rd June, 1731. 2 pp. [C.O. 23, 2. ff. 231-232.]

[June 3]. **214.** Bond of Governor Phenney, Samuel Lawford and William Pinder to Peter Goudet, Treasurer of the Bahama Islands, in 1200*l.* for refunding money raised by him on the public, 26th Nov., 1729 *etc.* (*v.* *preceding.*) *Endorsed as preceding.* *Copy.* 2 pp. [C.O. 23, 2. ff. 234, 234v., 235v.]

June 3. **215.** Mr. Morice to Mr. Popple. *Reply to enquiry.* (*v.* no. 211).
London. *Continues* :—My confirmitys of the gout will not give me leave to attend their Lordships, nor am I able to give their Lordships any acctt. of the condition of Jamaica ; and untill the ships arrive from Jamaica, that are expected home next month, I do not know of any person that [*can*] give their Lordships

1731. [215]
satisfaction in that affair. *Signed*, Hum. Morice. *Endorsed*,
Reed., Read 3rd June, 1731. *Addressed*. 1 p. [*C.O.* 137, 19.
ff. 21, 22v.]

June 4. **216.** Mr. Scrope to Mr. Popple. Encloses following. The
Treasury Lords Commissioners of the Treasury desire the opinion of the
Chambers. Council of Trade what be fit for H.M. to do therein *etc.* *Signed*,
J. Scrope. *Endorsed*, Reed. 4th June, Read 20th July, 1731.
Addressed. $\frac{3}{4}$ p. *Enclosed*,

216. i. Governor Worsley to the Lords Commissioners of the
Treasury. Barbados. Jan. 16, 173 $\frac{0}{4}$. On the arrears
of 2/6 levy *etc.* (*v. supra* 16th Jan). *Signed*, Henry
Worsley. 2 pp.

216. ii. *Same to Same*. 27th March, 1731. On the same.
(*v. supra* 27th March). *Signed*, Henry Worsley. 4
pp. [*C.O.* 28, 22. *ff.* 53, 54–56v., 58v.]

June 4. **217.** Col. Dunbar to Mr. Popple. *Has had* no opportunity
Fredericks- of answering his letter of 11th Feb. *Refers to* his three former
fort. letters *etc.* *Continues* :—The Penobscot Indians have had
such impressions given them of us that they seem a little jealous
and have not come so frequently among us as usual; however
I am sure if I am enabled to make them a few prests. instead
of disturbing us, I will undertake by degrees to settle all along
the coast by their consent *etc.* *Repeats* that he has been obliged
to make some small lots of land *etc.* (*v. C.S.P.* Nov. 17, 1730).
Continues :—In John's River about four miles from Fredericks-
fort I layd out a township wch. I called by the name of
Harrington, and yt. river by ye same name, where I made a
plan of a regular towne, fronting navigable water, and gave
fourty acre lotts to the people contiguous to the towne, there
are now there 76 familys, who have cleared part of their lotts
and have made gardens and small plantations, and are burning
bricks and prepareing to build houses being much incommoded
by the weather in poor wigwams or cottages in which they
live at present. Damarecotty river whose entrance from the
fort from the sea is but three leagues, I have called Walpole
river, wch. is very deep and wide, and runs 20 miles navigable
into the country, upon the east side of it I have layd out a
regular compact town by ye name of Walpole, and in it there
are at this time 94 familys, on the west side opposite to it I
have planted another town and called it Townshend, not above
25 familiees are yet there, many of the people being gone for
their wives and cattle. Shepscot river enters but 2 leagues
from Walpole river, and is very large, upon ye east side of it I
have planted a towne which wth. the river I have called
Newcastle, and there I have fixed the people who first petitioned
H.M. for leave to settle to ye Eastward of Kennebeck river,
there are near a hundd. familys there; from the west side of

1731.

[217]

ye river to Kennebeck which is about 8 miles, there is a fine growth of large white pines, and oak weh., in Nov. 1729, I layd apart for ye use of the Royal Navy, and gave publike notice thereof, notwithstanding which some New England people who call themselves ye Shepseot Company, have committed great waste and have, the last winter, cutt down 154 mast trees into loggs for houses and fences by way of takeing possession of ye lands, but I am prosecuting them for it. Moscougus river enters from the sea, abt. 12 miles N.E. from Fredericksfort, a number of New England people who called themselves the Moscougus Company, came to me upon my first arrival at Boston and when I told them of the King's intentions and termes of settling that country, they in a very dutyfull manner thankfully accepted thereof, and I told them that no others should have those lands, and that all others of H.M. Protestant subjects who would do the same should also settle where they pleased. Accordingly those people are come and coming thither. I have called it Torrington, weh. bounds on ye west and N.W. upon Fredericksfort and Harrington; Harrington and Walpole lines meet, and Townsend and Newcastle; the people have agreed this season to cutt strait cart-roads from towne, to build ferrys upon ye rivers and to erect beacons in proper places, the soil is extraordinary and the country not at all mountainous, it is covered with wood in veins, some places red oak weh. is onely fitt for potash, dry cask and firewood, in other places white oak fitt for ship timber and wett cask, some parts mostly spruce, and all intermixed with some ash, birch, maple and popple or asp trees, very few pines and those stunted trees which are onely fitt for boards and shingles, without which no buildings can be carryed on. Every towne has clay fitt for bricks, and which will be cheaper to ye people than wooden houses; great numbers of men are dayly flocking hither, and I am now upon laying out another towne by the name of Westmorland upon a fresh pond of thirty miles long above Walpole, they are now encouraged by letters from London that ye claims are all rejected, and I should not have presumed to have proceeded thus farr but that I had ye same account from London some months agoe, and there was an absolute necessity for it, besides no claimants on these parts made any application at home, but waited the issue of Mr. Waldo's sollicitation weh. would determine all the rest, and he was to have half of the lands he should get confirmed. If it had not been for Doctor Cook and him, noe opposition would have ever been made to the settlements, but all would have acquiesced, as those of Museougus had done, and to shew the nature of their titles *etc. repeats* stay of John Brown (*v. C.S.P. 17th Nov., 1730*). *Continues* :—When I told some of ye purchasers of this affair, they ownd they gave ye man ye mony but sayd it was in charity, and he made them a present of the deed in return, weh. they

1731.

[217]

layd no stress upon, haveing Indian deeds for ye same lands, to weh. I have seen no less than 3 such titles from different Indns. to different people; I onely mention this to shew that I was willing to make no distinction between the King's subjects but receive all who would accept H.M. favour, this may prove Mr. Waldoe's chief plea in his petition to be false, vizt. that I had dispossd. several people from their antient possessions and inheritances, whereas I do solemnly declare that there was but one family between the island of Arrowziek in Kennebeck river and the truck-house at Georges 10 leagues eastward of Fredericksfort, when I first came hither, namely Doctor Winslow's, now at the town of Townshend, and he is there still and was never disturbed nor threatend to be disturbed; this is all yt. I can think material for me to take notice of in answer to that petition, but to observe that if your claim is allowed, there are so many more of the same nature yt. H.M. can have no reserve in that country for ye Royal Navy, and besides allowing one Indian's title, is an aeknowledgmt. that ye Indians have a right to dispose of all ye rest of ye lands, and may sett what vallue they please upon it, or refuse to sell, and thus the planting a usefull Collony will be defeated, weh. besides a handsome revenue to the Crowne will consume abundance of English manufactures, and returns made for them in hemp, flax and pottashes weh. England now purchases mostly with ready mony, and from countrys whose friendship is precarious. Mr. Waldo and his party being sensible of the weakness of their title, have lately purchased an additional one, weh. they imagined one Mr. Nelson had to all Nova Scotia. Mr. Nelson is an antient gentleman near 80 years of age, was a relation to Sr. Thomas Temple who was in these parts near seventy years agoe, he confessed to Mr. Waldoes frds. when they offered to treat with him for his title that he had no sort of right, and yt. if any remain'd, derived from his uncle Sr. Thomas Temple it must be in my Lord Cobham who is heir to him, but even his Lordship had none, because Sir Thomas's grant for Nova Scotia was but dureing his own life, if this be true the records in England must prove it. Notwithstanding this honest declaration from Mr. Nelson, Mr. Waldo's friends insisted upon buying his title and offerd 100*l*. New England mony, weh. he has withn. this month accepted, and perfected deeds, weh. no doubt will be trumped up at ye Council Board in England before this can reach home; this is a cheap purchase for Nova Scotia, which to the eastward of Kennebeck river will be upwards of fourseore millions of acres, and ye 100*l*. not worth more than so many ounces of silver; 'tis much an easier purchase than Mr. Waldo would willingly have made abt. 30 months agoe in England, when one day Mr. Gulston, he and I dined at Pontacks and talking of settling these parts, weh. was then in agitation, Mr. Waldo sayd yt. he had some

1731.

[217]

pretentions to a neck of land between St. Georges river and Penobscot, and if I could putt him in a way how to gett his claim confirmed by H.M. he would give a thousand guins. to any one about Court who would serve him therein. I answered that I did not know how or where to make any such application of mony. Mr. Gulston I believe would scorn to lye and I appeal to him for his testimony herein; that claim of Mr. Waldo and Compa. (as they call themselves) is near 600,000 acres, reckoning onely from St. Georges to Penobscot, but now by his petition he would include Mt. Muscougos, weh. *etc.* another sett of people claim and are actually settling, waving any pretentions but under the new terms, which many of the better sort of people tell me does ye more incourage them, because they will be under a Kingly Governmt. and hope for H.M. more immediate countenance, which these parts could never expect from the Masachusetts Bay, being at too great a distance from them, and it may appear from ye addresses contained in the 4^o printed books sent by me to His Grace ye Duke of Newcastle and to my Lords Commrs. for Trade and Plantations soon after my arrival at Boston, that the Masachusetts people refused to build the fort at Pemaquid as being too remote from their Province, and therefore could be of no advantage to them, the opposition now given to the settlements is the pure effect of their principles for opposition sake, and not with any designe of settling it themselves, they haveing land enough in the Masachusetts province for 40,000 familys more than they have in ye country, besides the large province of Main which from Piscatua River to Kennebeck is nearer 100 than 90 miles, 30 of which at this time from North Yarmouth in Casco Bay has not 30 familys upon it, ye other 70 to Piscatua river, weh. parts it from New Hampshire has onely one line of townships along ye seashore and those but 8 miles deep into the country, except on Piscatua river ye town of Berwick 15 miles from the sea; there are but small improvemts. in these towns, they live chiefly by their saw-mills, and are not to be restraind by any law yet in being, nor can the most diligent officers prevent such numbers of disobedient people, who very little regard the King's authority and very frequently insult his officers, a flagrant instance of this lately happened to one Capt. Lancelot a master of a ship who was attacqued, severely wounded and robbed, his wounds were such as that the people imagined they had killed him by their boasting that they had destroyed one Surveyor of ye Woods. He was a little man and was taken for Mr. Slade one of my Deputys at that time near ye same place upon his duty, who sent his horse for Mr. Lancelot to carry him to a surgn., this fact was related in one of the Boston newspapers, and is since confirmed to me by Mr. Slade *etc.* *Refers to and repeats part of his letters Jan. 12th etc.*, the quit-rents due and the titles

1731.

[217]

produced by the inhabitants for the lands, “ particularly Collo. Westbrook.” *Continues* :—It may be worth consideration at home whether to demand the said arrears, in default of paymt. the title reverts to the Crowne ; all those patents were so much esteemed that they are registered in the town books of York which is the county towne *etc.* York is but 7 miles from the river of Piscataqua, and thither upon all sessions and sizes people from the west side of Kennebeck are obliged to resort upon all occasions near 90 miles, and what is yet harder upon them, they send representatives to Boston, 60 miles westward of Piscatua, and must follow any appeals thither to ye Governour and Council, and travel thro’ the body of the Governmt. of New Hampshire ; there are many people tearing one another to pieces upon disputes of lands in the province of Maine, many familys at Casco who have settled and improved thereabouts for several years are now to be turn’d out by old claimants to the same lands who have layn dormant, and they are now to loose the benefit of their buildings and improvments. by some new comers, among whom are Mr. Waldo and Mr. Westbrook who lately purchased the old titles for trifles, on purpose for erecting saw mills, as those lands are chiefly covered with large white pine trees. When I was at Casco in January last, ye Seleetmen came to me in behalf of many others, and prayed me to represent their grievances home, and asked my approbation to call a towne meeting to aggree upon a petition to H.M. to annex them to this province, but I declined it, and now I have fresh application to beg in the name (as they say of $\frac{2}{3}$) of the province of Maine that I would putt them in a way to lay their grievances before H.M., and how they may be annexed either to New Hampshire or Georgia, but I gave no answer, than, that I could not appear in it, but if they would send my petition to one of the Secretarys of State, or to my Lords Commissioners for Trade and Plantations and send substantial proof of their allegations it would be enquired into, and an answer wd. be returnd to them. I beg pardon for this long digression, and leave to observe the opinion of the Indians of ye pretended sale of lands by their ancestors, they say that their lands are unalienable, that their ancestors had onely a natural right dureing their own lives, and could not deprive their posterity of the same right, no more than they could take away their lives, nor do they pretend to any such right over their children, the tribes are much diminished, and many of them extinct ; it is very observable that when any settlemts. are made, ye Indians have insensibly decreased, and when any tribe is reduced to a few, they quit that place and incorporate with other tribes, and so the names of them are extinct ; the descendants of some in whose names formal deeds are trumpd. up, do, notwithstanding claim ye lands sold by their ancestors, and have offerd to sell their right dureing

1731. [217]

their own lives, but pretend to no more. In my first letter to His Grace the Duke of Newcastle and to my Lords Commrs. I acquainted them, upon my return from Fredericksfort, that the Proprietor of ye lands there offered to sell his right to me for a trifle. My answer was, before a great number of the Indians, that I was not come there to buy lands, for yt. all belonged to ye King of England who sent me to settle his subjects here, and no man had a right to sell any, upon this the Indians seemed grave and kept silence awhile, and then the proprietor told me with a smile, that King George was welcome, and I was welcome. I have in all my former letters sayd soe much of this country and of ye many different claims and titles to ye very same lands, yt. I can onely add, that if any of them are allowed, it will lay foundations for eternal suits and disputes among the people and endless appeals home, if ever this country be settled under those claimts., and besides it will create quarrels among ye descendants of the Indians who formerly sold, each of them insisting that the title their ancestors gave, is best. Upon the whole if H.M. allows one claim, he cannot avoyd allowing all under ye same case and then he may give over any expectation of ever hearing of a good settlement here or any advantage to ye Crowne. In some of my former letters I gave you an account of large claims eastward of Penobscot, one of 20 miles square to Mr. Winnet, now of ye Council of Nova Scotia, by a grant from the French Governour before ye reduction of yt. province. To conclude I beg leave to refer to a printed case and state of the Crown's title to these lands signed by Dr. Pinfold after ye former disputes before His late Majesty in Council about ye year 1718, when for many reasons therein mentioned, ye title was absolutely declared to be in the Crowne. Now Sir in answer to what my Lords Commissioners are pleased to say relating to the expenses I have made in laying the foundation of this Settlement. I most humbly thank their Ldships. for the good offices they intend me, and herewith I send you an honest account of my disbursemts., so farr as I conceive they are for publique service, and I chearfully submit it to my Lords how farr they are soe; As to the part respecting the Indians it is unavoydable, and if their Lordships will be pleased to look over my 23rd Instruction *etc.*, it will appear how much reason I had to bestow somewhat upon these people, and yt. Instruction has farther encouraged me to promise that if by their behaviour, they deserved it, H.M. would order them some small presents, in blankits, corn, small shot and powder for their hunting; they are now expecting them and it will be quite impossible for me not to give something, I hope my Lords will recomend it; two hundred pds. pr. year, until the quit-rent and the other penny to defray the province charges commences, will be sufficient, web. sum must mostly be layd out in blankets, powder, swan, goose and

1731. [217]

duck shot, laced hatts of about 10s. sterl. each, and some flints from London. As for travelling charges for me and my Deputys, I believe it is usual for all rideing officers, some of them are very rarely long in a place, and it is not easy to imagine the expence they are at and the fategue of travelling in this country, they are all in debt and cannot attend this duty without some addition, or travelling charges, in my humble opinion fifty pounds pr. ann. added to each of them in lieu of travelling charges would be a less expence than to pay them pr. diem. I will allways keep them full imployed; I submit my own expences to my Lords' recommendation, and hope they will allow that I have not been idle; the sum I charge for sloop hire and men and victuals is all payd and charged to me, it was impossible without it to give any description of ye parts which I have done in my letters; I formerly proposed that if 200*l.* was allowed me I would build a proper coasting sloop, and would maintain her for so much pr. ann.; this would enable me to view ye coast and rivers, prevent any abuses, and go any where on H.M. service. As for the other articles in my account, I found it quite impracticable to lay any foundation for a settlement, without some cover and security for the people, and therefore raised a dry stone wall $4\frac{1}{2}$ feet thick, upon ye ruins of ye old fort, wch. also commands a fine harbour, and protects vessels against any insult from the Indians, or other enemy, and so by degrees I was insensibly drawn into this expence. Any part of it that will be ordered me, I shall thankfully receive as so much given, and if any is deducted I hope it will be allowed out of the quit rents when they become due; and were I not under incumbrances here upon account of those expences I would be well contented to be payd out of ye quit rents *etc.* As for the publique advantages accruing hereby I have onely this to say, that if recovering a fine and a vast country from a wilderness and planting an usefull Collony there, raising a small fortification with the King's flag, a few ship guns, small armes and ammunition, and putting it in a posture of defence, and by inconsiderable presents reconciling the savages to receive H.M. subjects with good will and friendship, instead of forcing them at an expence of blood and mony, or letting it remain a wilderness for ever, if this be not deemed to be of publique use and advantage is most humbly submitted to my superiors. It is now the 18th of June, 4 days ago Major Cosby arrived here with an Officer, serjt. and drummer and twenty men from Governour Philips's regt. from Canso. I wrote to the Governour in September last pursuant to my Instructions to send me 30 men, upon apprehensions that the Indians would give us some uneasyness being incited thereunto, but I hope nothing will persuade them to it; if there had been occasion it appears by this how impracticable it is to depend upon any assistance from Nova Scotia. The Officer and his men are well

18th June.

1731.

[217]

lodged within the fort, and brought their provisions and ammunition with them. My letters are generally so very long that I fear it prevents their being taken into consideration. I have no other pleasure in writing, but as I think it my duty, and I am really not able to do it according to my Comm. and Instructions to correspond with ye other Offices. I am frequently troubled with a little of the palsy, and cannot afford to keep any Clerk or Assistant, nor indeed to live myself, upon my present income in my ordinary expences *etc.* *Continues:* I am like to suffer here yt. I have no answer to the appeals I sent home *etc.* I have given security to prosecute ye appeals in a year, or to pay treble costs; I made no doubt of a decree against Wyer upon my appeal sent to you 14 months agoe. The stock of paper *etc.* which I brought wth. me at my own expence is near out. I never had one sheet of paper given me, weh. others are allowed that make less use of it. I pray Sir that you will recommend this to my Lords and that you will watch an oportunity at their leisure to lay this long epistle before their Lordships with my most humble duty and thanks for all their favours, which as I am going to New Hampshire I shall take another oppertunity to do from thence. P.S. I hope by the honour I have of being a sub to Mr. Belcher in the Lt. Governour's Commission of N. Hampshire, it is not intended to take me from ye new settlemts. If I am allowed a sloop I will engage to do anything yt. may be required of me in each place. *Encloses*, a list of (19) forges and (6) furnaces in Massachusetts. *Signed*, David Dunbar. *Endorsed*, Recd. 7th Sept., Read 13th Oct., 1731. *Holograph*. 19 pp. *With marginal notes for reply.* [C.O. 217, 6. ff. 58-67v.]

June 5.
Jamaica.

218. Governor Hunter to the Duke of Newcastle. Since my last, of which herewith goes a duplicate, there has nothing fallen out extraordinary here. The Genll. Assembly was adjourn'd at their own request for a fortnight on account of the Supream Court. They are to meet again on Tuesday next. *Encloses* Address *etc.*, "which contains fair promises. I shall not answer for the performances. Something may be done in the affair of the quit rents: They have resolved to subsist the two regiments for six months more. They are all at their several quarters, those in the country have suffered least being farther from rum than these in the towns, and generally speaking the whole well barraekt or lodg'd. The inclosed petition *etc.* was this day given me by the Chief Justice and the other Judges *etc.* The girl said nothing in her own defence on her tryal, but after sentence, the matter appear'd so plain, that the Bench ordered the woman to be prosecuted for perjury and recommended the unhappy young woman as an object of H.M. mercy, and I am an humble suitor to your Grace that her pardon may be granted *etc.* When the Session is over I shall inform your

1731. [218]

Grace more particularly of affairs *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. Aug. 31st. 2 $\frac{2}{3}$ pp. *Enclosed*,

218. i. Address of the Assembly of Jamaica to Governor Hunter. Return thanks for his Speech. As he recommended, they have come to resolutions for strengthening and securing the island and restoring its credit; introducing white settlers, and rendering white servants more useful by a more speedy method for the recovery of their wages; for better regulating the retailing of rum; the making good all deficient funds; and the better securing and more speedy collecting H.M. quit-rents *etc.* We shall not be wanting in rewarding the services of the regular troops. As we are of opinion an Agent is necessary to solicit our affairs in Great Britain, we shall think of some proper person for that purpose *etc.* *Copy*. 1 p.

218. ii. Petition of Alice Clayton to Richard Mill, C.J., and his associated Judges. Petitioner was condemned for the murder of her bastard child. She said nothing in her defence, being afraid of prejudicing in her business, her mistress, the first witness at her trial, who is a school-mistress and has maintained and employed her ever since her parents died when she was very young, if it should become known that she was acquainted with her being with child and with her delivery, petitioner little doubting but that her mistress as she often promised would on her trial set forth the facts *etc.* Altho' she was not so happy to be amongst people who had compassion enough to listen to her cries, yet she made earnest and loud complaints and three several times sent out one of the scholars to call Mrs. Laughner, wch. scholar was in Court ready to give her testimony, but was not produced *etc.* *Prays to be recommended* for H.M. pardon. *Signed*, Alice Clayton, *her mark*. 1 p. *Overleaf*.

218. iii. Recommendations by the Jury and Judges of above petitioner as a fit object of H.M. mercy *etc.* *Copy*. 1 p. [C.O. 137, 53. ff. 352-354, 356, 356v.]

June 8.
Eilife Street,
Good
Man filds.

219. Mr. Storke to Mr. Popple. Has communicated his letter of 2nd June to the gentlemen who attended the Board 9th April. "They have wrote over to there correspondents at N. York as I have done the same, but we cannot expect to receive answers for three months to come" *etc.* *Signed*, Sam. Storke. *Endorsed*, Reed., Read 9th June, 1731. *Addressed*, *Post-mark*. (The usual triangular stamp, "Penny Post Paid," with the word Pidgeon written above it). (*But one cannot say that this implies Pigeon-post!*). 1 p. [C.O. 5, 1055. ff. 192, 193v.]

1731.

June 8.
Whitehall.

220. Council of Trade and Plantations to the King. In reply to 28th Jan. have no objection to the granting to Anthony Rutgers 70 acres known as the Swamp, under the quit-rent now paid for the land at New York, with provisoes that it be drained in one year *etc.* *Set out*, A.P.C. III. p. 309. [C.O. 1125. pp. 166–168.]

June 9.
Whitehall.

221. *Same* to the Duke of Newcastle. *Abstract.* Enclose extract from Governor Montgomerie's letter, 21st Dec., 1730, relating to the trading house intended to be erected by the French in the Sennekees' country. His Grace is fully apprized of the arts used by the French to withdraw the affections of the Five Nations from the English, contrary to the intent of the 15th article of the Treaty. The same consequences are to be apprehended from this new trading house, as have really happen'd from that erected some years ago at Niagara, which is now converted into a fort, by which the French have gained a possession in that place. *Refer to* their representations to Lord Carteret on that point. The French have now taken the very same steps in a country to which they have not the colour of any title, and should they be permitted to go on, might be of very fatal consequence to our Indian Nations, who might thereby be drawn from their allegiance to H.M. *etc.* *Printed*, N.Y., Col. Doe. V., 918, 919. *Autograph signatures.* 2 pp. *Enclosed*,

221. i. Extract from Governor Montgomery's letter, 21st Dec. 1730.

221. ii-iv. Commissioner for Indian Affairs to Governor Montgomery, Nov. 26, 1730. *Copy.* With Minutes. *Copy.* (*Without enclosures*). [C.O. 5, 1086. ff. 22, 22v., 24, 24v., 26–28v., 31, 32v.; and 5, 1125. pp. 169, 170.]

June 9.
Whitehall.

222. Council of Trade and Plantations to the Committee of Privy Council. Report upon petition of Ex-Governor Phenny. State case and quote Peter Goudet, Treasurer of the Bahamas, that the sums raised during his administration were justly applied to the service of the public, and accounted for to the Assembly. The Assembly's objections appear to relate solely to the legality of the method by which the money was levied. There was no assembly constituted during his government, so that the money was raised by the highest authority which then subsisted, and by the same power as his predecessor had levied taxes for the same purposes. *Continue* : —We think Mr. Phenny's proceeding to be very justifiable from that part of his Commission whereby he was authorized to do everything that might conduce to the security of his Government, the good of the people, and the honour of the Crown. Acts of this kind have their foundation in reason, and

1731. [222]

are vindicated from their own necessity, as well as by the practice of England towards infant Colonies. It may be further alledged in Mr. Phenney's favour, that the aforesaid levies were approved at the Quarter Sessions of the Island, which was the most popular Court that could take cognizance of such matters, before the constitution of the Assembly and the people of the Bahamas did concur in several addresses to Mr. Phenney, approving his whole conduct. It would be a very great hardship therefore if he should be obliged to stand the event of a suit at law in the Bahamas upon the abovementioned bond; and we have no objection why H.M. may not be graciously pleased to order his Governor to deliver the said bond to Mr. Phenney's Attorney, in order to be cancelled. With respect to the sloops fitted out by Mr. Phenney, to fetch provisions for the garrison at the Bahamas, altho' he may have been a considerable sufferer by their being cast away in their return to those islands, yet as it does not appear to us that he had any orders for that equipment; we can only submit this article, together with that of the fortifications, upon which Mr. Phenney appears to have taken a great deal of pains, to H.M. goodness and compassion. *Partly set out*, A.P.C. III. pp. 316-318. *q.v.* [C.O. 24, 1. pp. 196-201.]

June 9. **223.** Mr. Sharpe to Mr. Popple. I begg you will be so kind as to move the Lords Commrs. to appoint days to take the following mess. into their consideration *etc.* (i) An act passed in Pennsylvania, 1727, *for the establishing of Courts of Judicature*, with the petition of John Moore against the same. This is to be heard by Councill on both sides *etc.* (ii) Acts of Jamaica *for the better regulating slaves etc.*, and (iii) *enabling Capt. King and Lady Cotton to sell Pero plantation etc.* *Endorsed*, Reed. 10th, Read 5th June, 1731. *Addressed.* 1 p. [C.O. 137, 19. ff. 23, 24v.]

June 9. **224.** Duke of Newcastle to the Council of Trade and Whitehall. Plantations. *Encloses following etc.* It is H.M. pleasure that you comply with what is desired *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed., Read 10th June, 1731. 1½ pp. *Enclosed*,

224. i. Address of the House of Lords to the King, 6th May, desiring that the Council of Trade and Plantations may be directed to receive all proposals that may be laid before them for preventing running of wool from England and Ireland and lay before this House proper methods for preventing the same *etc.* *Signed*, Wm. Cowper, Cler. Parliamtor. *Copy.* 3 p.

224. ii. Address of the House of Commons to the King, 5th May, that the Council of Trade and Plantations be directed to lay before the House, in the next Session, a state of H.M. Colonies and Plantations in America,

1731. [224. ii]

with respect to any laws made, manufactures set up, and trade carried on there, which may affect the Trade, Navigation and Manufactures of this Kingdom. *Copy.* $\frac{1}{2}$ p. [C.O. 323, 9. ff. 63-64, 65, 68v.]

June 10.
Whitehall.

225. Mr. Popple to Governors of Plantations. Circular letter to all Governors. H.M. having been graciously pleased upon an Address of the House of Commons to give directions to my Lords Commissioners *etc.* to prepare a representation to be laid before the House in the next Session of the state of H.M. Colonies in America, with respect to any laws made, manufactures set up and trade carried on there, which may affect the trade navigation and manufactures of this Kingdom *etc.*, desire that you will immediately send them the best and most particular account you can *etc. on these matters.* [C.O. 324, 11. p. 242.]

June 10.
Whitehall.

226. Council of Trade and Plantations to the King. It having been lately represented to us, that inconveniences may arise from the devolution of Government in the Leeward Islands as it is at present settled by your Majesty's Commission *etc.*, whereby it is directed, that in the absence of the Capt. General the chief command shall devolve upon the Lieut. General, and in his absence, upon the Lieut. Govr. of Nevis and upon the President of the Council in that Island, in the absence of the Lieut. Governor. In all probability, the first cause of giving this preference to Nevis, was, it's having been entirely settled before any other of the Leeward Islands; but as St. Christophers and Antigua are now become much more considerable, the reason of that preference ceases, and we most humbly offer to your Majesty, that for the future the chief command in these islands shall, in the absence of the Capt. General and Lieut. General, devolve upon the eldest Lieut. Governor being resident in any of the four islands, according to the priority of their commissions of Lt. Governor. We are induced to recommend the Lieut. Govrs. preferably to the Presidents of the several Councils, because the former have the honour to bear your Majesty's commission, and generally speaking are persons of greater consequence, and better acquainted with the nature and methods of command and authority; But if it should happen that neither the Governor in Chief, the Lieut. General nor any of the Lieut. Govrs. should be resident in the islands, we could humbly propose in that case that the chief command should devolve upon the President of the Council of St. Christophers, and the reason why we give preference to this island is, that it was first discovered and planted by the English in conjunction with the French, and had it not been for that partition it would probably have been first named in the Govrs' commission; but the French part having been

1731. [226]

surrendred to Gt. Britain *etc.*, it is now entirely settled by your Majesty's subjects, and is become equal to, if not of greater consequence than any other of the Leeward Islands. The Governmt. of the Leeward Islands is now devolv'd upon the President of ye Council of Nevis, and we should have proposed this alteration sooner, had there ever been any probability that this would have happen'd. If your Majesty shall be pleased to approve of this alteration, we take leave humbly to propose that it may be made in ye draught of the Commission lately prepared for Col. Cosby. [C.O. 153, 15. pp. 107-109.]

June 10.
Whitehall.

227. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 12 acts of the Bahama Islands, 1729. [C.O. 24, 1. pp. 206-208.]

[June 10].

228. Extract of a letter from Col. Montgomerie to Andrew Drummond. I return you inclosed a receipt of Capt. Luckes of a box which you said, contained a seal for the Province of New Jersey; his ship I hear was cast away on the Western Islands, so the seal never came to my hand. You must represent this to the Lords of Trade, that a new one may be ordered. Exd. A. P. *Endorsed*, Recd. (*from Mr. Drummond*) Read 10th June, 1731. $\frac{1}{2}$ p. [C.O. 5, 972. ff. 202, 207v.]

June 10.
Whitehall.

229. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, nine Acts of the Massachusetts Bay, 1728 and 1729, and five of New Hampshire, 1729. [C.O. 5, 916. pp. 412-414.]

June 10.
Whitehall.

230. Council of Trade and Plantations to the King. *In reply to* 10th March, quote their letter to Govr. Belcher of 12th Dec. *Continue*: Since that time, we have reced. letters from him, in which he acquaints us, that notwithstanding he had formerly had, of ye next Assembly's acting more suitably to your Majesty's Instructions, yet he found they would not go beyond what had been settled in ye foregoing session, and he was sorry to acquaint us, that ye new Assembly had gon backward, and seem'd to do nothing more than had been done about forty years ago, when their present form of Government was first established. Upon this, we beg leave to inform your Majesty that by your 26th Instruction to Mr. Belcher, it is declared to be yor. Majestie's express will and pleasure, that he do not give his assent to any act, or order of Assembly *etc.* for any gift to be made to him *etc.*, except only in the manner prescribed in the 27th Instruction, *quoted* (that he should propose to the Assembly to pass a law declaring the salary of their Governor for the time being to be 1000*l.* pr. ann. sterling). *Continue*:—By the Act referred to us, it is provided that ye

1731. [230]

summ of "2400*l.* shou'd be paid out of ye publick Treasury to Jonathan Belcher Esq., *etc.* for ye present, as an ample and honble. support, and suitable to ye dignity of his station." Likewise, "That at ye beginning of ye next ensuing May session, another Act should pass, for an ample and honourable support to ye sd. Governor Belcher, which shou'd be annually renew'd at ye beginning of every May session during his government and residence in that Province," *etc.* In our opinion the 2,400*l.* thereby intended to be given to the Governor is contrary to his 26th Instruction, and the provision thereby intended to be made, that at ye beginning of the next ensuing May session another Act should pass, for an ample and honourable support to Governor Belcher, which should be annually renewed *etc.*, does, by no means come up to his 27th Instruction, but seems rather calculated to leave the Govr. still dependent upon ye Assembly for his support, and we are at a loss to imagine how Mr. Belcher in his letter to the Duke of Newcastle could think that this might be taken as a settlemt. during his Governmt. [*C.O.* 5, 916. *pp.* 415-418.]

June 10.
N.
Providence.

231. Governor Rogers to the Duke of Newcastle. *Refers* to letter of 10th Feb. (*Nos.* 47, 55) *etc.* and Mr. Colebrooke's obstruction in the matter of the fortifications *etc.* *Continues* :—Having at several other times bred disturbances between me and the inhabitants and also encouraged the soldiers of the garrison to mutiny here and make unjust complaints at home, he was the last Sessions indicted by the Grand Jury and also tryed and found guilty by a Petty Jury for baratry *etc.* *Will soon transmit the whole proceedings.* *Continues* :—Mr. Colebrooke is now proceeding to appeal. I am extremely concern'd that there was a necessity for so much rigour and that if he had been suffer'd to continue his evil practices H.M. might have had a much worse account and perhaps riskt or lost the Colony, shou'd either our neighbours the Spaniards or Pirates have any view to surprize us during our dissensions occasion'd by this man, for here has been more contention lately than I knew even whilst I was last here amongst the pirates. And I hope this example will prevent anything like it for the future *etc.* *Signed,* Woodes Rogers. *Endorsed,* R. 8th Sept. 1 *p.* *Enclosed,*

231. i. Copy of indictment and sentence of John Colebrooke as a common barrator and disturber of the public peace. Fined 750*l.* and imprisoned till H.M. pleasure be known. N. Providence, 25th-31st May, 1731. 2 *pp.*

231. ii. (a) Protest offered by 17 inhabitants of the Bahama Islands against the composition of the Grand Jury which returned a true bill against John Colebrooke. It is said to have been composed of strangers, one of

1731. [231. ii. (a)]
the garrison, and persons of infamous character.
25th May, 1731. 17 signatures. *Subscribed*,
- 231 ii. (b) Mr. Rogers refusing to take any cognisance of the
above protest, it was delivered by Samuel Lawford,
one of the signatories, to the Chief Justice in Court,
and therefore and for other abuses in the face of the
Court, Lawford as a ringleader was committed. Eight
of the signatories were afterwards of the Petty Jury
that found Colebrooke guilty. *The whole*, 1 p. [C.O.
23, 14. ff. 185, 187-188v.]
- June 10. **232.** Governor Rogers to the Council of Trade and
New Providence. Plantations. *Part duplicate* of preceding letter. This goes to
So. Carolina by H.M.S. *Cruizer*. Will soon transmit an account
of the whole state of the Colony, which is but indifferent, chiefly
occasioned by Mr. Colebrooke *etc.* *Signed*, Woodes Rogers.
Endorsed, Reed. 28th Sept., 1731. 1 $\frac{3}{4}$ pp. *Enclosed*,
232. i. Duplicates of enclosures i. and ii. preceding. [C.O.
23, 3. ff. 73, 73v., 80v.-82v.; and duplicate without
enclosures, *sent via Jamaica and endorsed*, Reed. 9th
Aug. 1731. ff. 76, 76v., 77v.]
- June 10. **233.** Council of Trade and Plantations to the King. The
Whitehall. seal for New Jersey having been lost with the ship by which it
was sent, desire instructions for engraving another. [C.O. 5,
996. p. 266].
- June 12. **234.** Order of King in Council. Approving representation
Hampton Court. of 10th, and ordering that the chief command of the Leeward
Islands, in the absence of the Capt. and Lt. General, shall
devolve as therein proposed, and that Governor Cosby's Com-
mission be altered accordingly. *Signed*, W. Sharpe. *Endorsed*,
Reed. 18th June, Read 22nd July, 1731. 2 $\frac{1}{2}$ pp. [C.O. 152,
19. ff. 55-56v.]
- June 12. **235.** Order of King in Council. Appointing David Bray,
Hampton Court. Councillor of Virginia, in place of Col. Man Page decd. *Signed*,
W. Sharpe. *Endorsed*, Reed. 10th, Read 11th Aug., 1731.
1 $\frac{1}{4}$ pp. [C.O. 5, 1322. ff. 169, 169v., 170v. and 5, 21. f. 7.]
- June 12. **236.** Governor Belcher to Duke of Newcastle. *His*
Boston. *former letters* and the Journal of the Representatives enclosed
must make it clear that there is no prospect of anything being
done conformable to H.M. Instruction as to fixing a salary.
Continues :—I am, My Lord Duke, perfectly devoted to H.M.
service and honour, and the interest of His British Dominions
and these I think not only consistent with but a strengthening
of the prosperity of his Plantations, and after this way of

1731.

[236]

thinking I have conducted the administration of the King's Government here. And before the year comes about I shall have spent more than the King has required for the support of his Govr., and yet have hardly been able to live as necessarily becomes H.M. Govr. I wou'd therefore with great submission repeat to your Grace that upon a sedate and reasonable review of this matter I can't believe it will be thought justice to me or for the King's honour that I must imploy my life in the King's service and that of his subjects here, to the continual consumption of my own estate, without the least support from the Crown, or from the people here. Yet this has been and is my hard case. I would therefore pray, My Lord Duke, that I may have H.M. leave to sign the inclosed bill *etc.* (v. 26th April, No. 157 i.) for my support, which your Grace must believe will strengthen me in the service of the Crown, and it will be a punishment upon the people to take their money, "for they really smile at the late Govr's spending 1000*l.* ster*l.* of his own estate without receiving a farthing from them" *etc.* *Quotes* cases of Lord Bellamont and Mr. Dudley. *Concludes* :— I suppose the great affairs of Europe have continually ingrostr your Grace, and prevent me any answer to the many letters I have wrote *etc.*, yet even this, My Lord Duke, makes this Assembly imagine the King has given over the affair of the 27th Instruction, *etc.* *Signed*, J. Belcher. *Endorsed*, R. Aug. 1st. 2 pp. *Enclosed*,

236. i. Copy of bill for granting 5,400*l.* to Governor Belcher *etc.*; including 2,400*l.* previously voted but not consented to. June 8, 1731. *Copy*. 1 p. [C.O. 5, 898. Nos. 86, 86 i.]

June 12.
Boston.

237. Governor Belcher to the Council of Trade and Plantations. *Regrets* not having heard from the Board since their letter of 12th Feb. *etc.* *Repeats* gist of preceding letter to D. of Newcastle. *Adds* :—Should the King finally recede from his orders after so long a controversy (publisht in all the prints of Europe and America) I truly dread what would be the consequences to this Province. Some might be wild enough to fancy they were able to govern and protect themselves. *Signed*, J. Belcher. *Endorsed*, Reed. 23rd July, Read 4th Aug., 1731. *Copy*. 2¾ pp. *Enclosed*,

237. i. Duplicate of preceding encl. i. [C.O. 5, 873. ff. 54–56, 57v.]

June 14.

238. Sir W. Keith to Mr. Courand. *Requests* him to "put His Grace in mind to procure a referencce to the Board of Trade upon" his petition *etc.* *Continues* : His Grace was pleased to promise to me it should be dispatch'd two weeks agoe" *etc.* *Signed*, W. Keith. *Holograph*. 1 p. [C.O. 5, 12. f. 64.]

1731.

June 16.
Whitehall.

239. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 15 Acts of New Jersey, 1730. [C.O. 5, 996. pp. 267-270.]

June 16.
Whitehall.

240. *Same* to Mr. Paris. Tuesday morning is appointed for the consideration of the Act of Pennsylvania *for the establishing of Courts etc.* [C.O. 5, 1294. p. 30.]

June 16.
Whitehall.

241. Mr. Popple to John Sharpe. In reply to his letter, the Board have appointed Tuesday morning next for the consideration of the Act of Pennsylvania *for Establishing Courts etc.* Has given Mr. Paris notice. They also desire to have his objections to the Act of Jamaica *for the better regulating slaves etc.* [C.O. 138, 17. pp. 314, 315.]

June 18.
Hampton
Court.

242. H.M. Warrant appointing David Bray to the Council of Virginia. *Countersigned*, Holles Newcastle. [C.O. 324, 36. p. 280.]

June 18.
Boston in
New
England.

243. Address of the Council and Representatives of the Massachusetts Bay to the King. We, your Majesty's loyal and dutiful subjects, in great submission to your Majesty, as well as faithfulness to your subjects of this Province, humbly implore your Majesty's indulgence, and compassionate ear, while we lay before your Majesty our great difficulty by reason of your 27th Instruction to your Governour. We account it our greatest honour, and it is our highest joy, that in the compass of your Majesty's extensive Dominions, none are more firmly and zealously attacht to your Majesties person, and the august House of Hannover, than the whole body of this people: and as we are universally fixed in the principles of loyalty and obedience, and our hearts and affections strongly engaged to your Majesty, by the repeated instances of your paternal care and tenderness towards us; so particularly by your Majesties distinguishing goodness to this Province, in the appointment of your Majestie's present Governor, and being sincerely desirous to enable and encourage your Majesty's Governour, chearfully to manage the public affairs, your Majesties Council and the House of Representatives, soon after his arival pass'd a bill for his ample and honorable support, and again at the beginning of the present session, they have offered the sum of 5,400*l.*, which sum he has declined accepting on account of your Majesties' Instruction, directing the settlement of a salary on the Governor; which Instruction, in faithfulness to the rights and privileges of your Majestie's subjects here, we cannot comply with, inasmuch as it would in a great measure alter, if not subvert our happy constitution, wherein it is designed that every part of the Legislature should be induced by interest, as well as duty, to consult an harmony with the others: And we beg leave to observe that the Council, and Representatives

1731. [243]

have a great dependance on the Governor in many particulars nearly affecting their interest, and that the Governor is under little, or no inducement, as to interest to cultivate a good understanding with them, more especially the House of Representatives, except that of their granting his support. And while your Majestie's Governor refuses to accept of anything, unless in the way of a fixed salary, and your subjects here, for the reason aforesaid, cannot come into such settlement, the Governor must needs be a sufferer for want of a decent and honorable support. We would therefore most humbly intreat your Majesty, to grant your royal order of leave, that your Governor may receive the sum that has already bin granted, and such further sums as may be granted for his honorable support, suitable to the dignity of his station, when he shall judge them to be so; which we doubt not this, and all succeeding Assemblys will readily come into, and should they not, we acknowledge your Majesty will have just reason to show your displeasure. Your Majestie's dutiful Council, and Representatives would also humbly beg leave to set forth the great difficulties arising from your Majestie's 30th. Instruction, whereby, should it be comply'd with, the House of Representatives would be hindered from passing on those accompts, which they humbly apprehend they have a good right unto, in conjunction with the other branches of the Legislature; and this is very consistent with the Royal Charter, forasmuch as the Governor, by warrant, with the advice and consent of your Majestie's Council, thereupon issues the money out of the Treasury, which the House of Representatives never pretended to intermeddle with, but always supposed, that this of right belonged to your Majestie's Governour and Council, by the Royal Charter, nor has any money ever been drawn out otherwise; and should this instruction take effect, the House of Representatives, who raise the public money, and whose constituents pay it, would not in many cases, be in any capacity to prevent misapplications of the money, or of obtaining any redress upon undue payments, which it is humbly conceived, would be against common right and equity; for the direction as to a future examination, can serve only to aggravate our distress, but noways helps to refund the money, or gain any relief: there being no possibility of impeachment here, as there is in such cases, in our Mother Countrey, before the Right Honorable the Lords Spiritual and Temporal in Parliament assembled. Wherefore your Majestie's Council, and House of Representatives would most humbly supplicate your Majesty to withdraw the Instruction aforesaid, so far as it respects the passing accompts. *Signed*, In the name, and by order of the Council, Josiah Willard, Secretary; In the name, and by order of the House of Representatives, John Quiney, Speaker. 1 large p. [C.O. 5, 898. No. 87.]

1731.

June 20.
New York.

244. Governor Montgomerie to the Duke of Newcastle. *Abstract.* *Acknowledges* letter of Sept. 25, 1730. Recommends Henry Lane for Council of N. Y. in place of Robert Walters deed., and Dr. John Rodman for Council of N. J., in place of John Hugg, deed. Has just returned from a conference at Albany with the Six Indian Nations, whom he found sincerely attached to Great Britain *etc.* Enloses packets lately sent to him by a courier from the Governour of Canada. *Printed*, N. Y. Col. Doc. V. p. 919. *Signed*, J. Montgomerie. *Endorsed*, R. 8th Sept. *Holograph.* 3 pp. [C.O. 5, 1093. ff. 162-163v.]

June 20.
New York.

245. Governor Montgomerie to the Council of Trade and Plantations. *Abstract.* Has heard that his last letters were safely delivered, before he had an opportunity of sending duplicates. Longs with great impatience for their answer, as he cannot meet the Assembly of New York till he has instructions about the support of the garrison at Oswego, nor that of New Jersey till he knows the fate of the bills now before the Board. Recommends Henry Lane to fill the place in the Council of New York of Robert Walters deed., and Dr. John Rodmon as Councillor for N. Jersey in place of John Hugg deed. Has just returned from meeting the Six Indians at Albany, and found them sincerely attached to Gt. Britain. *Set out*, N. Y. Col. Doc. V. 290. *Signed*, J. Montgomerie. *Endorsed*, Reed. 29th July, 1731, Read 17th May, 1732. 1½ pp. [C.O. 5, 1056. ff. 1-2, 6v. (with abstract).]

June 21.
Boston.

246. Governor Belcher to the Council of Trade and Plantations. Since my last (of which you have duplicate herewith) several ships are arriv'd from London without a letter from your Lordships except a few lines purely in favour of the bearer Mr. Reynolds, son to my Lord Bishop of Lincoln, who not finding the collection of N. Hampshire to answer his expectations returns by this conveyance. Had he remained, I should have given him all the assistance in my power *etc.* *Continues*: H.M. Council and House of Representatives send to their Agents by this conveyance the bill they have past for my support, with their Address to H.M. that I may have leave to take it, and they think they have made a great step, inasmuch as the bill they have now past is after the rate of 3000*l.* a year from my arrival *etc.*, whereas they us'd to give Govr. Shute no more than 1000*l.* a year and that was voted only half yearly. I am really of opinion they will not give less for the future, and that they'll do it at the beginning of the year which practice will make the Govr. independent from year to year. Let that be as it will I don't suppose H.M. will withdraw his Instruction *etc.* Yet I can't see the reason, justice or honour of his Govr. being starv'd or consuming his own substance while he is defending the cause of the Crown *etc.* *Hopes* for the royal

1731. [246]

leave to take his support as the Assembly will give it *etc.* *Continues* :—As to the 30th Instruction I cannot think it consistent with the King's honour to part with the power reserv'd to the Crown in the Royal Charter, and I really think in that article the House of Representatives thirst after a power that by no means belongs to them, and cou'd they come at it, it wou'd give them such an overballance of power as wou'd greatly weaken the just authority of H.M. Govr. and Council, and tend to the destruction of the present happy constitution of H.M. Government here. I, therefore, hope your Lordship[s] will rightly represent this matter and prevent the mischief that might be consequent upon their obtaining what they aim at. In my next I shall give my reasons more at large against the House of Representatives having anything to do with passing or paying accompts. The Charter certainly intends that matter shou'd always be with the Govr. and Council. *Signed*, J. Belcher. *Endorsed*, Reed. 27th July, Read 4th Aug., 1731. $2\frac{1}{2}$ pp. [C.O. 5, 873. ff. 58–59v.]

June 21.
Boston.

247. *Same* to Mr. Popple. *Abstract.* *Acknowledges* letters of 24th Feb. and 5th April, with the opinion of the Attorney and Solicitor General on fines and recoveries, which he will communicate, as there shall be occasion, “though I hardly know an instance of any such things being attempted in their Government.” Repeats complaint that he has not heard from the Board, which makes the Assembly imagine that the affair of the 27th Instruction is over *etc.* *Repeats* part of preceding, the expense of his voyage, commission and supporting the King's honour here to make it necessary that he should be allowed to accept the Assembly's allowance. *Concludes* :—The appointment of the new Lieut. Governor of N. Hampshire after his so vilely traducing me, has been a great weakning of the King's authority in my hands, nor do I believe it will be the least strengthening of him in his other office. I wish you Sr. very happy in every article of life, and shall be glad to render you any acceptable service in this part of the world. *Signed and endorsed as preceding.* $2\frac{3}{4}$ pp. [C.O. 5, 873. ff. 60–61v.]

June
11–22.

248. Memorial by M. Desruaux. Sta. Lucia is used as a depôt for trade between the French and English, whose ships arrive there daily and exchange cargoes *etc.* *Urges* necessity of settling the disputed sovereignty of the island *etc.*, and explains its value. *Signed*, Desruaux. *French.* $4\frac{1}{2}$ pp. [C.O. 253, 1. No. 62.]

[June 22].

249. Extracts from several letters from Jamaica relating to the rebellious negroes and the two Regiments.

(a) Col. Thomas Townshend to Mr. Walmesley, late Agent to Br. Newton. Port Royal, 12th Feb., 1731. Three companys

1731. [249. (a)]

of ours, and three of Col. Hayes's are embarked for Port Antonio, where it has been said the runaway negroes have been troublesome, altho' I do not find so much in that, as has been reported, and if it were, as they have 120 miles of mountains to range in, it seems very impracticable to destroy them, the people do not seem to value them, nor do they for the most part seem well pleased at our coming.

(b) Col. Robert Hayes to Major Sowle, his Agent. Port Royal, 14th Feb., 1731. After 7 weeks passage from Gibraltar, we arrived here the 7th *etc.*, the regiment in very good health, but begin now to be very sickly. No oven sure was ever so hot. I find it affects my eyes very much, and still have the gravel very much, and my legs swell. We have yet only 14 companies landed *etc.*, for I find we are an unexpected guest. The affair of the Blacks I took upon to be quite a Bam, for I can find nobody that has either seen or felt them in a wrathful manner; we shall very soon be dispersed about the Island, not a company together, after that I know no business I have here except to sacrifice my health and impoverish my fortune, for really twice my income will not maintain me as a Collo. ought to live, and I have only the same allowance here as an Ensign which is 20s. pr. week.

(c) Col. Townsend to Col. Cope. 2nd March, 1731. The accommodations of the two Regiments here, I am affraid will not be very good: at our landing no manner of provision had been made, for I cannot find that anyone expected us, and I am very sure that at present there is no occasion for us: the affair of the rebellious negroes is a trifle, they have force sufficient of their own twenty times told, to put an end to that whenever they have a mind to exert themselves; nor have they ever been known to appear fifty together in armes *etc.* In the mean time we are a burthen to the Island of about 15,000*l.* a year *etc.* Both regiments are at present ill of feavers and fluxes; I expect to have bad account of them within these 3 months *etc.* Everything here is excessive dear, twice dearer than at Gibraltar, no species of money less in value than a royale of plate, which is prodigious hardship upon the soldiers.

(d) *Same* to Mr. Walmesley. 3rd March, 1731. *To same effect as preceding.*

(e) Col. St. Cornwallis to Lord Cornwallis. 5th March, 1731. Most part of the regiment will be dispersed about the country in many places where there never was a rebellious negro ever heard of, so that two regiments here are no more wanted, except they have a mind to make planters of us, (especially since we are so well with Spain), which I believe some of them have hopes off, for most of them say they are glad we are come because they want white people and not for fear of the blacks, for no one pretends to say that thirty of them were ever seen together *etc.* This is the most expensive disagreeable place under the sun *etc.*

1731.

[249. (e)]

Our people begin now to be sickly, tho' 'tis at present the healthiest time reckoned *etc.* *Regrets* that so many young men should have been sent, when the people were surprized at their coming, and there is now nothing for them to do *etc.* The troops to be sent to Port Antonio are forced to live still upon last provision, for there is at present neither provision or lodging for them, so they keep on board the ships still *etc.* *Concludes* :—I fancy if you mention this to some of my friends one may have a chance to come home, *etc.*; if we stay, they must provide better, but by that time perhaps above half may be dead.

(f) *Same to Same.* 10th March, 1731. We have buried the Major of our regiment, and I fear every account will be worse and worse *etc.* for our men are sent to the quarters in the county, before they have provided barracks *etc.* Within these two days the inhabitants of the two towns have petitioned to have two companys each, paying their lodging themselves, else they would have been dispersed in like manner. In short the upper sort of people of this island are such brutes, and the Governour so mild, that we shall suffer most terribly, for as the majority of the last Assembly did everything to vex him, we are sadly used by that means, for they have taken from him the power of quartering the King's troops as they ought to be, for he says he could not help it, and that the Assembly would do it in spite of his teeth *etc.* We have an account from the party that was sent after the negroes, who say they went to their settlement, and fought several hours, and have burnt their town, but in this terrible engagement they have neither killed nor taken any one of the negroes, so presume those they pretend to have fought with so long were men in buckram *etc.*

(g) Col. R. Hayes to Major Soule. 11th March, 1731. Both men and officers fall sick very fast. The regiment is dispersed all over the island, and no surgeon can go from quarter to quarter to attend them *etc.* *Complains* of their very miserable condition *etc.* Half a crown in England will go farther than a pistole here *etc.* I shall think myself well off if this expedition costs me only 1000*l.* extraordinary: I have taken a little house here at a place called Ligony, the pleasantest part of the island, but no better than an English barn which I am obliged to pay 200*l.* a year; for my cook, which is a very indiff't. one 50*l.*; and everything dear in proportion *etc.*

(h) Col. Cornwallis to Lord Cornwallis. Port Royal. 15th March, 1731. One can't set 24 hours without hearing of some of the corps being either sick or dead. I'm sure there is not an officer here but with pleasure would go to the most desperate seige rather than stay in this damned unwholesome place *etc.* They say everybody has a seasoning, and that seasoning has hitherto carry'd off everyone that has had it *etc.* I fear that I shall have a dismall acct. from the country quarters, having

1731. [249. (h)]

already heard from some that they have been very cruelly used and have had no care taken of them.

(i) Extract of a letter from Port Royal to a merchant in London. 19th March, 1731. The regiments have lost several of their principal officers (*named*): abundance of the men die *etc.*

(j) Col. Cornwallis to Lord Cornwallis. Port Royal. 20th March, 1731. Since my last my Coll. is dead, if ever one is to be preferred, now is the time, for no service is equal to the barbarous usage, we here suffer *etc.* The new negroes were never used in so ill a manner as we are. I would this moment give my commission to be in England, to represent what ill usage so many of H.M. subjects meet with, for the sake of, I fear, a few people, for I can't be an hour in the day without hearing of some of the Regiment being either sick or dead *etc.*

(k) Extract of a letter from Port Royall, 20th March, 1731, communicated to Lord Torrington. Deplores the sickness and losses of the Regiment *etc.* *The whole endorsed*, Reed. (from Mr. Henry Popple), Read 22nd June, 1731. Collected by the order of Sr. Wm. Strickland, H.M. Secretary at War. 6 pp. [C.O. 137, 19. ff. 25-27v., 28v.]

June 23.
Whitehall.

250. Council of Trade and Plantations to the King. We have lately had under consideration three Acts passed in New Jersey (i) *for shortening law-suits etc.* (ii) *concerning the acknowledging and registering deeds and conveyances of land etc.*, and (iii) *for the frequent meeting and calling of the General Assembly and for the alternate sitting thereof etc.* The two first are in substance the same with two Acts passed in 1715, which were afterwards repealed *etc.* Quote from representation of Jan. 10, 1722. *Continue*:—Governors of Plantations are expressly forbid by your Royal Instructions to re-enact any laws which have formerly been repealed by the Crown unless they first receive your Majesty's permission for that purpose, or do insert therein proper clauses declaring them of no effect until they shall be confirmed by your Majesty. As to the last mentioned Act whereby the Assembly is made triennial *etc.* this is an Act of a very extraordinary nature importing a great change in the constitution of the Province, and if your Majesty should be pleased to allow of any such alteration therein, we cannot but think it very fit that it should take its rise from the Royal authority wh. first gave being to the form of Government established in New Jersey, and not from the Assembly of that Province. In this Act likewise the suspending clause is omitted, and therefore we humbly lay it before your Majesty, together with the two first, for your disapprobation, all of them having been passed contrary to the Governor's Instructions, the two first being destructive of the jurisdiction of the law courts in

1731. [250]

New Jersey, and the last of a nature too much eneroaching upon the Prerogative of the Crown. [C.O. 5, 996. pp. 270-273.]

[June 24]. **251.** Merchants of London trading to Virginia to the Council of Trade and Plantations. An act of Assembly, 1726, *for laying duties on liquors* imported, was continued by another act in 1730 till June, 1734. By a clause in the last act no more than half the duty is to be paid for any liquors imported in any ship or vessel wholly and solely belonging to the inhabitants of the said Colony. This clause is not part of the Act of 1726, and such exemption is a very partial proceeding, and is assuming a power of taxing H.M. subjects at large to a higher degree than themselves *etc.*, and a setting up the shipping of that Colony in opposition to, and in great prejudice of the Navigation of this Kingdom, *etc.* *Pray for* repeal of latter act, and that the Governor may be restrained from passing any act laying any higher duty on the goods or ships of H.M. subjects residing in this Kingdom, than on those belonging to inhabitants of the said Colony. *Signed*, Micajah Perry and 13 others. *Endorsed*, Reed. (from Mr. Wood) 24th Read 29th June, 1731. $1\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 164, 164v., 165v.]

June 24.
Whitehall.

252. Council of Trade and Plantations to the Committee of Privy Council. Have heard Counsel for and against the confirmation of the Act of Pennsylvania *for the establishing of Courts etc.*, referred to them 14th May, 1730. *Continue* :—The principal design of this Act is to repeal certain powers supposed to have been vested in the Supream Court of Judicature in Philadelphia by a former law *for establishing Courts of Judicature* passed in 1722 *etc.*, “ which is almost in every other particuler the same with that which the petitioner desires to have repealed, and as we are of opinion that the continuance of this new law might prove highly prejudicial to H.M. Revenue in Pennsylvania, and be an encouragement to illegal trade in that Province by putting the Officers of the Customs under great difficulties in prosecutions upon seizures made of contraband goods imported to contrary to law *etc.*, *propose* its disallowance. (v. A.P.C. III., 193). [C.O. 5, 1294. pp. 31, 32.]

June 24.
Whitehall.

253. Council of Trade and Plantations to Lords Commissioners of the Treasury. Request payment of Office expences and Officers' salaries for quarter ending Midsummer. Account annexed. [C.O. 389, 37. pp. 329, 330.]

June 24.
Boston.

254. Governor Belcher to the Council of Trade and Plantations. *Argues*, from clause in the Charter as to the disposal of money by the Governor, that it was never intended that the House of Representatives should have the passing of

1731. [254]

public accounts or paying of them, or that the Governor should be merely a servant to the Assembly to pay the debts of the Province in exact conformity to their orders *etc.* Believes the Assembly will rise in a few days, when he will transmit their Journal *etc.* *Signed*, J. Belcher. *Endorsed*, Reed. 27th July, Read 4th Aug., 1731. $2\frac{3}{4}$ pp. [C.O. 5, 873. ff. 62-63v.]

June 24. **255.** Petty expenses of the Board of Trade, Lady day to Midsummer, 1731. (v. *Journal*). 5 pp. [C.O. 388, 80. Nos. 6-8.]

June 27. **256.** Governor Worsley to the Duke of Newcastle. As Barbadoes. the French in this part of the world seem very intent in making new settlements, I think it my duty to give your Grace an account of the French which have settled at St. Lucia as well as of the English; By the common computation there are supposed to be three hundred French families. I can't learn there are above five or six English, it is also computed there's as many French at Dominico, and a great many at St. Vincent's, both English and French employ themselves in raising of stock, sowing corn, and cutting timber; I don't find that the French have any grant for the land that they take up, but the Governour of Martinique gives them leave to go thither to cut timber and fish, and as they clear away the ground they plant it with corn, and breed great quantities of stock, two or three of the French families have taken up a great deal of land, and are grown rich; one or two I am informed applied to the Governor of Martinique for leave to plant canes, and erect cattle mills to make sugar, but he would not grant it; the few English that are settled at Sta. Lucia took up the land which they thought convenient for them, and clear the timber which they bring hither for sale and plant corn, and provision to support their negroes which they keep there, as well as for sale here, I know not any of them have any grant or permission from the Duke of Montague, one of them Mr. Batt built a small vessel of about fifteen tons, and applied to me for a register *etc.* *Refers to former letter.* *Continues* :—I have been informed that the Governour of Martinique some times talks of removing the English from off that Island. On the Island of Tobago there are no French families yet settled, but the French go thither to catch turtle, and whilst they stay there make huts to live in, during the time of their fishing, the intention of the French seems to be to people these islands gradually, and as they can live much more hardy then the English, are more able to make such settlements, than they. In November last I advised your Grace that a French gardeecote of Martinique had taken some English vessels at Sta. Lucia *etc.* *Encloses the Governor's reply to his letter* (encl. i). As the Assembly in their Minutes of 13th Feb. last, mention that I had demanded of them 2000l.

1731. [256]

and upwards for the pretended repairs of Pilgrims House I herewith transmit to your Grace their Addresses to me upon that head, by the first of which your Grace will observe that they desired me to lay before them, an account of the charges of the repairs of Pilgrim House which I did in Nov. 1724, and after they had examined the accounts and receipts they addressed me 11th of May 1725 in these words, "It appearing to us that your Excellency has laid out, paid, and expended the sum of 2070*l.* 1*s.* 1*d.*, current money in and about the necessary repairs of Pilgrim House and buildings" *etc.* The Assembly mention in the same Minutes that there was but 87 barrels of powder in the great Magazine tho' there were wont to be 800. I have transmitted to your Grace their address to me the 12th day of October 1725 by which your Grace will observe, that on account of the ruinous condition of the old magazine, they desire me to appoint a proper place or places for the keeping the said powder, and stores, till the Magazine should be repair'd, or a new one erected, and accordingly I order'd it to be remov'd into the several forts, but I do not so much wonder at this proceeding since they say in the same Minutes that they know that I opposed their Sugar bill at the Board for Trade and that Mr. Sharpe my Agent opposed the same, my letter to your Grace as well as the Board for Trade will justify my conduct upon this head, and as to Mr. Sharpe's opposing the same tis now notoriously known that their Agents in England first employed him, and then dismissed him by orders from hence, and Ireland and the other Colonies immediately retain'd him. The Council here some time since were very much exasperated at the treatment they met with from the Assembly, who called them incendiaries, and it might have been carried to great lengths had I not kept my temper, and conducted it calmly, but at present the Island is very quiet, *etc.* Signed, Henry Worsley. *Endorsed*, R. 27 Sept. 4 pp. *Enclosed*,

256. i. Governor of Martinique to Governor Worsley. Martinique, 22nd May (N.S.), 1731. *In reply to* encl. iii, has waited for *enclosed* reasons given by M. le Procureur Général for the condemnation or release in the Admiralty Court of English vessels seized at Sta. Lucia. With regard to the complaint lodged by Mr. Farel against the Captain of the French coast guard-ship *Domaine*, he was ready to hear their case, but they have not pursued the matter any further as they should have done *etc.* Signed, Champigny. *French. Copy. 2 pp.*

256. ii. Findings of the Admiralty Court, Martinique. (i) The English bark *Anne of Dartmouth* (Capt. Shephard) was released with costs and damages from day of seizure, it being proved that she had loaded and cleared from Barbados and had only been 8 hours at

1731. [256. ii]

anchor at Sta. Lucia. (ii) The bark *Jeanne Marie d'Amboye* was released, with costs and damages against the *Domaine*. The master had no papers to prove that he had really loaded at the island of Iseap [*sic*], so that it appears he was generously treated on the assumption that he had been forced to put in at Sta. Lucia. (iii) The bark *Two Brothers* had no papers on board and was condemned and confiscated with her boat for trading at Sta. Lucia, her crew having been rowing a boat laden with a keg of brandy. (iv) The *Good Intention* was likewise confiscated, it being proved that she had come from Barbados in ballast and being found laden with produce of the French islands. (v) The *Fortune* was confiscated, for having no papers and trading at Sta. Lucia, being laden with goods admitted by the Captain, Isaac Royal, he had taken off Sta. Lucia. *Copy. French.* 1½ pp.

256. iii. Governor Worsley to the Governor of Martinique. Barbados, 19th Feb., 1731. The ship *Anne*, John Shephard master, which, after leaving Barbados for Newfoundland, put into Sta. Lucia, having on board no cargo except 9 barrels of sugar loaded at Barbados, and its own stores, was seized with several other English vessels by a French coast-guardship and taken into Martinique. I am convinced that, if my information is correct, you will not approve this conduct, but order the immediate restitution of the said vessels *etc.* *Signed*, Henry Worsley. *Copy. French.* 1½ pp.

256. iv. Address of the Assembly of Barbados to Governor Worsley. 26th Nov., 1724. Request account of charges for repairs of Pilgrim's. *Signed*, Robt. Warren, Cl. of the Assembly. *Copy.* ¾ p.

256. v. Address of *Same* to *Same*. 12th Oct., 1725. Request removal of powder whilst the magazine is being repaired *etc.* v. covering letter. *Signed, as preceding.* 1 p.

256. vi. Address of *Same* to *Same*. 11th May, 1725. *Quoted* in covering letter. *Same signature.* 1 p. [C.O. 28, 45. ff. 183-185v., 187, 187v., 189, 189v., 191, 193, 195.]

June 27.
Barbados.

257. Governor Worsley to the Council of Trade and Plantations. Your Lordships' letter of the 21st of October last, I received not till about a month since. Your Lordships in the same letter desire me to give you a particular account of the number of French, which are settled at St. Lucia, as well as of the English. *Continues as preceding covering letter from*, "By the common computation." *Signed*, Henry Worsley.

1731. [257]

Endorsed, Recd. 3rd, Read 22nd Sept., 1731. 6 pp. *Enclosed*, 257. i-vi. Duplicates of preceding encl. i-vi. [C.O. 28, 22. ff. 116-118, 119v.-120v., 121v.-124v., 125v.-126, 127v., 128, 129v., 130, 131v.]

June 28.
New
Providence.

258. Mr. Bonnet to Mr. Delafaye. *Encloses* following. Mr. Colebrooke intends to appeal, but every fact alledged against him is plainly proved *etc.* *Continues* :—I am glad to hear you continue the Governor's friend, and hope all affairs here will soon go better, tho' the utmost clamour possible is made here ; and false insinuations amuse the people ; and I belive facts that cannot be justified here are represented home, because no letters can be admitted in the vessel but from their own party, but seeing a small packett preparing from the Governor to be directed to his Grace the Duke of Newcastle on his Majesty's service which they could not deny the master of the sloop's carrying, I adventured this in it. *Signed*, Lews. Bonnet. 1½ pp. *Enclosed*,

259. i. Duplicate of June 10 encl. ii (a) and ii (b). [C.O. 23, 14. ff. 189, 189v., 191-192v.]

June 29.
New
Providence.

259. Governor Rogers to Mr. Delafaye. Refers to letter of 10th June. *Continues* :—The vessel by which this goes (in order to conceal the design of her proceeding to England) is cleared out for Bermuda to prevent my sending any letters in her, she being hired by Mr. Colebrooke, tho' in other person's name, as I apprehend to carry hence all that he can invent, or prevail on those of the party he has made here, to joyn in, by way of complaint against me, I find there is a necessity for my taking the liberty of directing this packet to you, for a further security of its being conveyed and delivered, which I hope you will be pleased to excuse. The prosecuting Mr. Colebrooke I humbly hope will be approved, and convince the Ministry what a mischievous person he has been, and how much he has obstructed the welfare and peopling of this Colony. For my part, I assure you, Sir, I never had so much uneasiness in my life as he has occasion'd me here ; for instead of applying himself to the improvemt. and encouragemt. of trade (which was what he came abroad for) he together with four or five more who were his companions and dependents made it their whole study to injure and distress me by continually endeavouring to stirr up sedition and animosity in the minds of the people, and discontent and mutiny in the garrison which he attempted by all the methods he could think on *etc.* *Requests* that he may be given time to answer any misrepresentations *etc.* Is doing all he can for Mr. Bonnet. He has lately written to "the good Lord Townshend" *etc.* P.S. Not being certain that this vessel goes for London, will not venture by it what he intended to the Duke of Newcastle and Board of Trade *etc.* *Signed*, Woodes Rogers. 2 pp. [C.O. 23, 14. ff. 193, 193v.]

1731.

June 30.
New
Providence.

260. *Same* to Mr. Popple. *Has sent preceding* by another conveyance. A vessel will sail in about 16 days and bring such accounts as will satisfy the Board he has not been negligent *etc.* Mr. Colebrooke refuses to appeal in the manner prescribed in my Instructions, and has been above three weeks with two clerks writing all he can to justify his actions *etc.* *Repeats part of preceding etc.* Signed, Woodes Rogers. *Endorsed,* Recd. 21st Aug., 1731. 1 p. [C.O. 23, 3. ff. 83, 86v.]

June 29.
Whitehall.

261. Council of Trade and Plantations to Governor Rogers. *Acknowledge* letters *etc.* of Oct. and Feb. 10th last. *Have referred* the acts enclosed to Mr. Fane and will take them into consideration on receiving his report. *Referring to* Capt. Phenney's bond (*v.* Feb. 10th and June 9th), "we are of opinion that the Assembly should not have put him under so great a difficulty, and therefore we have propos'd to H.M. that this bond should be cancelled." *Continue* :—We observe by the Minutes of Assembly of 1st Oct. last, that upon a message from them, desiring that the Council books may be laid before the Assembly, you gave directions accordingly. Upon this occasion, we must observe to you, that as by your Instructions all laws to be pass'd by you are required to be consistent with, and as near as may be consonant to the laws of this Kingdom ; so it would be proper that the proceedings of the Assembly also should resemble those of the Parliament of Great Britain, so far as the circumstances of the Colony and your Instructions will permit. And as the Council with you as in all ye other Colonies abroad have two capacities very different in their nature, and design, so their proceedings as the King's Council in political matters should be kept entirely distinct from those wherein they act as one branch of the Legislature, and ought to be fairly entered in separate books. It would be a pretty difficult task to lay down a plan for the proceedings of your Assembly in future times, or to allot the particular limits to be observed by them. But in general we may observe to you that the Constitution of England owes its preservation very much to the maintaining of an equal ballance between the three branches of the Legislature, and that the more distinct they are kept from each other, the likelier they will be to agree, and the longer they will be likely to last. By the Minutes of the sixth of the same month, we find the Assembly desir'd Capt. Phenney's Instructions might be laid before them ; But as the Instructions, which H.M. thinks proper to give to his Governors, are only for their conduct and guidance, you will be the proper judge which of them, and when they ought to be communicated to the Assembly. By the Minutes of 12th May, 1730, the Assembly seems to have been prorogued by the Governor and Council, but as this does not appear to be the case by the Minutes of Council of the same date, you must

1731.

[261]

take care to have this amended in the Journals of the Assembly, and the rather because the Council cannot claim any right of proroguing the Assembly, and altho' this is a mistake, yet some time or other, if not corrected, it may be made a precedent to claim a power never yet granted to any of H.M. Councils abroad. We have consider'd what you write concerning Mr. White and Mr. Jenner, the former of which you have suspended from his seat in Council. Upon this occasion, we must take notice that you did very wrong to desire any Member of the Council to retire at a time that you had something to propose to the remaining Members, for everyone of the Council has an undoubted right to sit and debate at that Board, until H.M. shall think fit to displace him from thence, or he be suspended for sufficient reasons, in the manner prescribed by your Instructions; and if after this usage, Mr. White has thought himself so much slighted, as to refuse to return to the Council, when you sent for him, we do not think this is a sufficient reason for suspending him. [C.O. 24, 1. pp. 201-206.]

June 30.
Whitehall.

262. Mr. Popple to Governor Montgomerie. *Encloses* duplicates of circular letters of 10th. inst. and packets to be forwarded for the Governors of Connecticut and Rhode Island. *Abstract continued*:—Those Proprietary Governments have long since been required to transmit authentick copies of their laws. Govr. Talcott, Governor of Connecticut, by his letter makes him not without hopes of compliance from that quarter, but Rhode Island has vouchsafed no answer to the General Queries sent them. If the laws of those provinces are printed, asks him to send copies by the first opportunity. *Printed*, N. Y. Col. Doc. V. pp. 921. [C.O. 5, 1125. pp. 171, 172.]

[June 30].

263. Case of Francis Williams of Jamaica. John Williams, his father, being a free negro, and by his great fidelity and industry having acquired a considerable estate, he obtained an act, afterwards approved by the Crown, whereby it was enacted that no slave should be evidence against him, and that the said John Williams should henceforth be tried by a jury according to the known laws, customs and priviledges of Englishmen and the practise and usage of that island. John Williams married with Dorothy a free negro by whom he had three children all sons whom he educated in the Protestant religion according to the Church of England and also gave 'em all other suitable education in a liberal manner. Another act was passed in Jamaica to give the like priviledges to the wife and children as to John Williams *etc.* But by an act passed 28th March *for the better regulating slaves etc.*, severe clauses are laid on all free negroes in general; (i) That all free negroes shall in default of every free negroe's appearing at the vestry of the

1731. [263]

parish where he resides when thereunto summoned by a warrant from any J.P. in such parish in order to having their own and the names, ages and sexes of their wives children registred, such free negro for the first offence is to forfeit 10*l.*, for the second 20*l.*, and for the third his or her freedom and to be transported etc., on conviction before any two Justices of the Peace and three Freeholders. This clause is apprehended to be very improper and too much for the Assembly to take upon them to enact, as it directly takes away those libertys and priviledges given the family of the Williams by the several acts beforementioned *etc.* Besides to lodge such an extensive power in any two Justices and three Freeholders is much too large *etc.* Loss of freedom will of course carry with it loss of estate, which in the family of the Williams amounts to above 20,000*l.*, which is too great a temptation to have a nefarious use made of this and the following clause; (ii) That all free negroes from the age of 15 to 60 shall be obliged on every summons or order of every custos next magistrate collector or next commanding officer in each of the parishes to appear when and where directed in order to be sent out in any party that shall be ordered out in pursuit of the rebellious and run-away negroes, and every free negro who shall neglect to appear or refuse to go out in such party shall for the first offence be committed to jail for six months without bail or mainprize, for the second suffer 12 months imprisonment and for the third lose his freedom. This clause is likewise thought to be in contradiction to the said acts, no such penaltys being inflicted on any white men, besides this clause hath no proviso in case of sickness nor gives no permission for sending in their places one or more hunters or woodmen properer for the service than persons educated in England as the free negroes are to attend partys in woods and mountains almost unaccessible. It is also against the said acts, and also exceeding severe not to allow any bail or mainprize for a family who are in possession of several acts directting they shall in all cases be tryed as Englishmen and who are by all the acts of Jamaicaailable on these occasions and to punish or free people with imprisonment and loss of freedom for not appearing on those occasions in person when it may not be in his power and when he is ready to substitute one or more persons *etc.* is surely too hard and unreasonable *etc.*, especially as the act has no proviso for women or children or such as are sick or absent. (iii) It is also enacted that no free negro shall after the 2nd April 1730 wear any sword, cutlass, pistols or other arms or weapons whatsoever, excepting whilst on duty on the publick service or in the service of their employer under the penalty of 5*l.* (hunters and fowlers excepted), and that no free negro do presume to buy or indent any white men under the penalty of 50*l.* This clause is directly levelled at Mr. Francis Williams, it being notorious that no

1731.

[263]

free negroes wear a sword and pistols besides himself and what justifies him therein is not only the largeness of his estate but the liability of his being assaulted by everyone whom he sues for the recovery of his own. This clause may also be a temptation to ill-disposed people to spirit up the minds of their ignorant slaves to assault and way-lay Mr. Williams, and it is observable this law does not forbid the *slaves* to wear swords or pistols. Why should the free negroes then be prohibited? *etc.* The latter part of this clause is still more extraordinary *etc.*, since by a late act passed in Jamaica every planter is obliged to have one white man-servant to every 30 negroes under the penalty of 26*l.* 10*s.* per annum, so that this present act *etc.* lays every free negroe who hath a plantation under a necessity of incurring the penaltys of one or other of these acts *etc.* (iv) It is also enacted that no free Indian shall work in any sort of silver or gold or keep any shop for the sale of any gold wares or merchandize or the produce of this island under the penalty of 50*l.* for every offence. This clause is also thought exceeding severe, for as the laws of Jamaica always heretofore indulged free negroes with buying houses and settling plantations, so it would certainly be very hard should they be now debarred selling the produce of these plantations, and when that produce is converted into money should be still debarred from investing that money in any goods, wares or merchandizes for the further enlarging their fortunes under such severe penaltys as are laid by this act. And there really seems a plain intention to oppress the free negroes by comparing these two last clauses together which amount to this vizt., they shall have neither bought nor indented servants to save paying the penalty of 26*l.* 10*s.*, they shall neither buy nor sell any wares or produce *etc.*, to pay such penalty and yet they must pay *etc.* *Prays that* the Act may be repealed. *Endorsed*, Reed., from Mr. J. Sharpe, Read 30th June, 1731. 3 closely written pp. [C.O. 137, 19. ff. 29-30v.]

July 1.

264. Mr. Popple to Mr. Delafaye requesting his opinion concerning the proposed repeal of the Jamaica Act *re* negroes and Mr. Williams' memorial. *Autograph signature.* 1 p. [C.O. 137, 47. f. 100; 138, 17, pp. 315-6.]

July 1.
Hampton
Court.

265. Order of King in Council. Approving Samuel Ogle appointed by Charles Lord Baltimore to be Lt. Governor of Maryland in the room of Benedict Leonard Calvert, provided he qualifies himself as the law requires and gives good security to observing the acts of Trade and Navigation and obeying H.M. Instructions. The Council of Trade and Plantations are to take care that such security be given accordingly. *Signed*, Ja. Vernon. *Endorsed*, Reed. 2nd, Read 7th July, 1731. [C.O. 5, 1268. ff. 13, 13v., 18v.]

1731.
July 1.
New York. **266.** Rip Van Dam to the Council of Trade and Plantations. *Abstract* :—Montgomerie. As the first of H.M. Council, the government has devolved upon him *etc.* *Printed*, N.Y. Col. Doc. V. 921; and N. J. Archives 1st ser. V. 294. *Signed*, Rip Van Dam. *Endorsed*, Reed. 3rd Sept., Read 23rd Dec., 1731. $\frac{3}{4}$ p. [C.O. 5, 1055. ff. 202, 203v.]
- July 1.
New York. **267.** *Same* to the Duke of Newcastle. To same effect as preceding. *Signed*, Rip Van Dam. *Endorsed*, R. 3rd Sept. *Addressed* (via Boston). *Postmark*. $\frac{3}{4}$ p. [C.O. 5, 1093. ff. 164, 165v.]
- July 1. **268.** Lt. General Mathew to the Duke of Newcastle. Arrived here on Saturday *etc.* Is prevented by a fit of the gout and remains of long sickness in the West Indies from waiting on His Grace to return thanks for his leave of absence *etc.* *Signed*, William Mathew. *Holograph*. 1 p. [C.O. 152, 43. f. 149.]
- July 1.
Hampton
Court. **269.** Order of King in Council. Ordering, upon preceding representation, a new silver seal to be prepared for New Jersey. *Signed*, Ja. Vernon. *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 1 p. [C.O. 5, 972. ff. 225, 232v.]
- [July 1.] **270.** Governor Burrington to the Council of Trade and Plantations. *Abstract*. Transmits report upon the state of the Province. Has acted in everything to the best of his capacity. Has been entirely left to himself since he entered upon the country's business and instead of help from the Council, they are a weight upon him. "There has been no foolery or vilany sett on foot that they are not concerned inn, which has increased since John Montgomery, the Attorney General, arrived." Has the whole force of his wisdom and three others to guard against. If he is wanting in his report, it is owing to their conduct, although he has endeavoured to serve. When he mentions the Council, he does not mean all, but complains of three principally, vizt., Mr. Ashe, Mr. Porter, whom he has refused to screen from several prosecutions for his violent and unlawful proceedings in the Court of Admiralty of which he is Judge, and Mr. Smith the Chief Justice, a weak hasty young man drunk from morning till night, set on work by the other two and some of the managers in the Assembly. He has resigned his seat at the Council Board, and is reported to be going home with complaints against the Governor. His own actions will speak for themselves, and he only demands not to be censured unheard *etc.* *Printed*, N.C. Col. Rec. iii, 140. *Signed*, Geo. Burrington. *Endorsed*, Reed. (from Capt. Straudwick in Denmark Street) 26th Oct., 1731, Read 7th June, 1732. 3 pp. *Undated*. Date (1st July) indicated in letter of 4th Sept. *infra*. *Enclosed*,

1731.

270. i. Governor Burrington's Report to the Council of Trade and Plantations. *Abstract*. He arrived 25th Feb. to find the country in the greatest confusion, "the Government sunk so low that neither peace or order subsisted, the General Court suppressed, the Council set aside a year and a half, and some of the Precinct Courts fallen. The Admiralty Court having no restraint began to draw all manner of business there, and proceeded in such an extraordinary manner as occasioned a general discontent and ferment among the people" *etc.* The Judge of that Court the chief actor in running the country into disorders. The late Governor being a very weak man was too easily put upon rash measures that have caused so many heats and divisions. Has done his best to allay them. Encloses addresses by the Grand Jury to H.M. and himself, gratefully acknowledging the same. Called a new Assembly which sat for 5 weeks from 13th April, but was then obliged to part with them, finding that the longer they sat the more their heats encreased, and less inclination to observe H.M. Instructions which he laid before them. On H.M. 19th Instruction a bill was formed for an act about fees and quit-rents. But instead of complying with H.M. instructions about the payment of these in Proclamation money, they pretended to allow the payment in that money or bills at four to one discount, but then endeavoured to reduce the fees four times as low as they were before, and then took advantage of a division in the Council and the misbehaviour of the Chief Justice *etc.*, so that he was obliged to prorogue them. They also evaded that part of the Instruction that required registering of lands, which is necessary for getting H.M. rent-roll, for want of which and of power in the Lords Proprietors there has been great difficulty hitherto in the collecting. There being no Receiver General there, the collection of the revenue is like to be more difficult. It will require an officer immediately commissioned, and not a Deputy as is now designed. In respect to the payment of quit-rents, they had ingeniously contrived (under pretence of not being able to pay this year) that it would be near two years before rents should be paid, and then the bill added they might be paid in tobacco or rice at 11s. per cwt. as an equivalent for Proclamation money, tho' neither are worth near so much. He could get no advice from the Council as to whether any equivalent at all could be taken instead of money, and now asks for H.M. directions. Money "is hardly to be raised in that Government, it being

1731. [270. i]

affirmed that there has not been cash enough at one time here to pay a year's rents, and the people have another plea that the Grand Deed to the inhabitants of Albemarle (the name this Government was then called) in 1668, under which most part of the lands are held, grants the lands to them on the same terms as in Virginia where the rents are paid in tobacco or money at the choice of the parties, and it is submitted whither it would not be a means of putting people on raising tobacco and thereby increase our European trade that so much wants encouragement" *etc.* In reply to xxth Instruction recounts history of the paper bills of credit. All the old bills have been called in and those now subsisting are by a pretended act made in Nov., 1729 after the King had purchased *etc.* By it the bills let out at loan on land security are re-issued as soon as paid in, and therefore made perpetual. For want of care in the valuation of the lands mortgaged, it is said there has been a great deal of fraud. *Compares it* with the Virginia currency and Proclamation money. The credit of the bills is much lower than stated in the Act and is declining from the breaking up of this Assembly. It is held by many that the act itself is void, as being made and ratified in the name of the Lords Proprietors when they had surrendered to the Crown, and also because the Government were not empowered to make such an act, without a clause therein not to be of force, till their assent was had *etc.* The present Assembly, however, are of opinion that the laws made in 1729 are not void, or at least ought to remain in force till H.M. pleasure be known therein (*v.* Journal, 28th April) the Bills have been found so necessary in facilitating payments, defraying contingent charges of the Government and as a medium of trade, that the destroying them wholly would be a great loss to the country. In obedience to Instruction xxv, sends home all the laws in force. He would have had them revised, if the Assembly would have done business. Some are obsolete, others need alterations, but in general they are a body of laws well adapted to the place *etc.* Forbears erecting a Court of Exchequer till he sees its necessity. At present there is no one capable of trying a cause in one. Prays one may be sent. On enquiry into complaints by and against Sir R. Everard, as directed by the 41st Instruction, he was not candidly dealt by the Council. At length they gave their opinion that there was nothing material in the complaint against him, only the words spoken against H.M., which were to be

1731. [270. i]

proved by Collector Gale now in England, and Col. Thomas Harvey some time dead. The Secretary was by the unanimous opinion of the Board discharged from Sir Richard's complaints against him. Mr. Porter having complained against several persons for an intended riot and combination to assassinate him, he was promised a day for hearing, if he would draw the complaint in form *etc.*, but he having offered nothing further, concludes he has dropped it. Thinks there was no such riot or design intended. Has received a complaint against the said Judge of the Admiralty for many illegal and arbitrary proceedings in that Court, praying for his suspension. This he laid before the Council to be proceeded upon. Mr. Porter has hitherto made no reply. He laid the XLIIII Instruction before the Assembly and recommended it to them in his Speech, but nothing was done by them. To that part which relates to persons holding greater quantities of lands than their grants express, it was urged that they had a law already about resurveys in such cases. Asks for a form of patents. Thinks 50 acres to each person in a family too little to produce much pitch and tar, because 1000 acres of pine land of which 19 parts in 20 of the country consists, will hardly imploy one slave, so that, if not altered, this regulation will prove very detrimental to the revenue. In some places there are large plains called Savannas, these are boggy and as bad lands as the moors in the North. The pine lands are chiefly sandy barrens as improper for littance as the Savannas. "If people have so little land it will be a very long time before all the country is settled, and if men are obliged to live so near one another they must make their own apparel and hous'hould goods, because they cannot raise stock to purchase them brought from England. It is by breeding horses, hoggs and cattle, that people without slaves gain substance here at first, not by their labour. If but one half of the Province is inhabited, the produce of cattle *etc* will be but half" *etc.* As to any grants of land made since H.M. purchase, he has been moved by the Assembly to join in an address to H.M. to have them all confirmed, which he declined, but promised to represent the matter to the Lords of Trade fully. *States case.* Instruction XLIII required that in all future grants the quit-rents should be 4s. But the people urge that they have an undoubted right by the Grand Deed upon the Lords Proprietors to hold their lands on the same tennure as in Virginia, which is at

1731. [270. i]

2s. per hundred *etc.* If this Instruction be continued, it will prevent them taking up land. *In reply to* XLVth Instruction, gives an account of the Courts and Jurisdictions established. Desires directions as to the power of Assistant Judges, a great dispute having been raised by the Chief Justice and his two allies in the Council, who assert that the Assistants have no judicial power, but sit only as supporters. In that case no gentleman will accompany the Chief Justice on the Bench, and it will be erecting a single Judge of the Court of Common Pleas *etc.* As to the XLVIth Instruction, he never heard that any officers in North Carolina held places under the Proprietors for life, but only during their pleasure, which are all now superceeded. The Assembly have always usurped power. Instances their choosing a Public Treasurer, now Edward Moseley, Speaker and Manager of the Assembly. Refers to debate in Journal. By the Assembly in 1729 a pretended act was passed constituting eleven precinct Treasurers, who were all in the Assembly and as they have the disposition of the publick money will be constantly chosen, which forms so great a party that they can lead the Assembly as they please. Is sure it will be for H.M. service and the quiet of the Province that a Treasurer for this Government be appointed by the Lords of the Treasury. In accordance with Instructions XLVIII and XIX, he ordered with the assent of the Council that all fees as they then stood should be received till further regulation, but they should not be compelled to receive them in Province bills unless at four for one according to the estimate made of them with respect to silver in the pretended act. Recounts dispute with Assembly on this matter. The Assembly was prorogued to 6th Sept., when by a law here the biennial election comes on. By the LVth Instruction he is commanded to appoint Courts of Oyer and Terminer yearly, at a charge not exceeding 100*l.* each session. If this money is to be paid in bills it will not suffice. Asks for directions. As to LXIst Instruction, there is a law concerning juries already, though it has certain inconveniences. The LXIIIrd Instruction he recommended to the Assembly in vain. His LXIXth Instruction to countenance H.M. officers he strictly obeys, though it has made enemies of several of his former friends. The LXXVth and LXXVith instructions, concerning Churches, he laid before the Assembly, but could not observe much sense of religion among them, or that any notice was taken. The country has no orthodox

1731. [270. i]

Minister legally settled, those formerly here generally gave offence by their vicious lives. Each Parish has churchwardens and a vestry empowered to raise money by a poll-tax, which is applied to maintaining the poor or paying a minister to come out from Virginia, or readers *etc.* Several parishes by contributions have built chapels *etc.* LXXVth Instruction. There are already good and wholesome laws for punishing vice, but better framed than executed. Will recommend establishment of schools, so much wanted, when the Assembly is disposed to do business. As for laws for the conversion of Negroes and Indians, does not expect much will be done, when so little regard is had to promote publick worship. LXXVth Instruction. The Indians of late years are much diminished. There are six nations amongst them, who all live within the English settlements having land assigned them and choosing places most secure from attacks of foreign Indians. These are the Hatteras, Maremuskeets, Potaskites, Chowans, Meherrins and Tuscarora. None exceeds 20 families, except the Tuscaroras who now consist of 200 fighting men *etc.* There was lately complaints from the Government of S. Carolina of injuries done the white people by the latter, but they denying the facts are threatened by that Government with a war from the Cherokees and Cataubas. The King of the Tusearoras is now with him to make some proposals, that the white people of S. Carolina may not come against him, because he says it may bring on a war with the English in general. He has only one Councillor to consult with, the rest being out of the Province or at a very great distance; will be obliged to fill up some of the vacancies. LXXVIIIth Instruction. There is a law for registering births and burials in each parish, but very little notice taken of it. There are no forts, garrisons, magazines or public arms or ammunition. CIII. Is procuring a map to be done very accurately. CIV. As to boundaries, a river boundary would be much more certain and less expensive than a land line *etc.* The Santee river was the ancient boundary *etc.* CV. The duties are charged on imports or exports, except a powder duty, at first intended for pilotage and buoying out the inlets. Some attempts were made, but of late shamefully neglected. The money is chiefly used for paying the Assembly men, who have received 10s. a day travelling expences. There is no law for their being paid, so he refused to sign a warrant at their late prorogation. Hopes for the future they will bear

1731. [270. i]

their own charges in North as they do in South Carolina. There are no duties on anything, and only a poll tax of 5s. each tythable bill money (and that by the pretended act in 1729 abolished) and a parish tax to be assessed by the Vestry not exceeding 5s. per poll, so that the whole tax cannot amount to above 10/s. a poll for rateable persons in bill money not exceeding 1s. 6d. sterling, and though the people are thus free from taxes or impositions beyond any people in all H.M. Dominions, they seem uneasy that the King's rents should be demanded in Proclamation money or anything else but bills. cvī, cvīi. The African Company's trade here has hitherto been small. All encouragement will be given to it. Will endeavour to restore the country to order: it is capable of being made a flourishing colony, and yearly will increase by the coming of people from the Northern settlements *etc.* The good lands lying commodiously are long since patented, the remainder, the greatest part of the country, are far from navigable waters. For the increase of H.M. revenue and good of the Province, hopes to receive an order to grant lands at 2s. (instead of 4s.) per 100 acres. Has signed but one warrant for taking up lands since his arrival. The trade of this Government is now very miserable, except at Cape Fear River. The merchants on James River in Virginia supply most of the inhabitants on the north side of Albemarle Sound and Roanoke River with British commodities at unreasonable rates, being brought in by land or in little canoos in small quantities; the people of New England send in sorry sloops which sail from river to river with West India goods and salt and carry away such things as cannot conveniently be transported into Virginia. The only method to put the traffic in a right way and make the trade advantageous to Great Britain is to settle a Custom House on Ocacock Island, where there is a good harbour for vessels of 300 tons *etc.*, to be a port for the three districts of Roanoke, Currihick, and Bath Town, *etc.* Signed, Geo. Burrington. N.C. Col. Rec. III. 140. 22½ pp. *Enclosed*,

- 270. ii. Schedule of papers to be delivered to the Lords of Trade. *Endorsed as covering letter.* ⅔ p.
- 270. iii. Certificate that following papers are true copies *etc.* Signed, Geo. Burrington. 2nd July, 1731. 1 p.
- 270. iv. Drafts of a bill to ascertain fees and quit-rents, with proceedings of Council and Assembly thereon. 31½ pp.
- 270. v. Journal of Council, 25th Feb.—22nd May, 1731. 63 pp.

1731.

270. vi. Journal of Assembly, 13th April—17th May, 1731. 34½ pp.
270. vii. Journal of Council and Assembly, 13th April—17th May, 1731. 52 pp.
270. viii. Copies of Acts passed in Nov. 1729, the validity of which is disputed (*v.* Report *supra* and Journals of Assembly). (i) Act for emitting 40,000*l.* public bills of credit, (ii) for the more quiet settling of the Meherin Indians' lands. (iii) to make Hyde precinct separate from Beaufort precinct, with power of erecting a Court-house and holding Courts. (iv) to appoint part of Albemarle County to be a precinct by name of Tyrrell etc. (v) for the more effectual and speedy putting in execution the act for settling titles and bounds of lands. (vi) to repeal the act for encouragement of tanning leather. (vii) an additional act to the act for the tryal of small and mean causes. (viii) for regulating vestries etc. (ix) to regulate the act for appointing indifferent jury-men etc. (with lists of Jurymen). 28 pp.
270. ix. (a) Copies of six confirmed laws, which are obsolete, and had been lost, but were found upon the refusal of the body of laws in 1715 etc.
(b) Copies of the Laws of North Carolina. With marginal notes thereon. *Endorsed as covering letter.* 128 pp.
270. x. List of patents granted by Sir R. Everard, late Deputy Governor of N. Carolina, 1730. 20 pp. *Totals*: 147 Purchased patents, with quit-rents 6*d.* per 100 acres, = 167,611 acres; 222 common patents, at 2*s.* per 100 acres (not purchased, but taken up on the Grand Deed) = 91,752 acres; 24 lapsed patents, = 30,532 acres. Total acres, 289,895. Governor Burrington adds that
On April 10, 1730, a patent was signed to him by Sir R. Everard for 5000 acres which he had paid for 5 years before. He had possession of the land and paid near 20 years quit-rents. Sir Richard refused to give him a patent before he knew that he was appointed Governor. *Signed*, Geo. Burrington. 1st July, 1731. *Endorsed as covering letter.* 1 p. [*C.O.* 5, 293. ff. 28 to end of volume—275*v.*; and (*abstract with marginal notes for reply*) 5, 327. pp. 2–18.]

July 1.
North
Carolina.

271. Governor Burrington to the Duke of Newcastle. *To same effect as preceding covering letter.* Adds: "The Province notwithstanding the artifices that have been used is in a peaceable and quiet condition." No good can be expected from an Assembly till he receives his Grace's commands etc. Will take

1731. [271]

care never to give him cause for displeasure *etc.* *Signed*, Geo. Burrington. *Endorsed*, R. Oct. 29. 3 pp. *Enclosed*,

271. i.-vii. Duplicate of preceding encl. i, ii, v-vii, and x.

271. viii. Address of the Grand Jury of North Carolina to the King. Edenton. 1st April, 1731. Nothing could be more joyfully recieved than the certain news of our being immediately under the Government and direction of so mild, so just, and so indulgent a Prince whose glory is the ease and happiness of his people, whose remotest regions feel the influence and are made happy under it and whom no distance can seperate from the good and wellfare of his subjects *etc.* *Continue* to same effect as Address *supra*, May 22. *Signed*, John Lovick, foreman, James Milliken and 17 others. 1 p. [C.O. 5, 308. Nos. 12, 12. i-viii.]

July 2.
Hampton
Court.

272. Minutes of Privy Council.

Capt. Dent and Mr. Bladen were called in (v. 2nd June). Capt Dent was asked as to the health and condition of the 2 Regimts. [in Jamaica], wch. he said was very bad, but he beleived it was greatly oweing to their own irregularity. That ye regimts. were dispersed all over ye island, some att 100 miles distance. As to ye use of ym for destroying the rebellious negroes, he thinks they may be of use to hinder them coming down, *etc.* but cannot follow them into ye mountains and destroy them there, wch. he thinks was the original design of sending them thither. He thinks the rebellious negroes more insolent and dangerous than formerly. He does not think, in case of any attempt upon ye island, they ed. be of any use to ye enemy except that of being guides. He was asked whether he thought these regimts. necessary for ye defence of ye island in case of an attempt from an enemy. He says ye island is in a very defenceless condition, and can hardly [?] raise 1000 white men, that as the Regt. are dispersed it would be 8 or 10 days before they can be gott together, and yt. must be done by shipping.

Mr. Bladen agreed wt. Capt. Dent in opinion as to ye little service the 2 Regiments would be for ye suppressing ye rebellious negroes, or following them into ye mountains. That his opinion was, and that of ye Board of Trade, yt. 2 Independant Comps. should be compleated out of ye Regiments, and then one or both of them might be brought home. Upon the variety of opinions relating to ye necessity or use yt. these two Regimts. may be of att Jamaica, their Lordships determined to refer this matter to ye Board of Trade for their opinion thereupon. The Duke of Newcastle's letter ("my letter") to Lord Waldegrave of the 1st was read; and it was proposed that my Lord Lieutenant of Ireland should send directions for the regiments to be in a readiness, in case there should be occasion for them; and also to write to Mr. Keene to acquaint

1731. [272]
him with what has been done here ; and that it shall make no alteration as to the sending the fleet, which shall be there at the time proposed. (*Original draft of transactions of the Privy Council*). 3 pp. [C.O. 5, 36. ff. 12-13.]
- July 2. **273.** Fair copy of above Minutes. $2\frac{1}{2}$ pp. [C.O. 5, 36. ff. 14-15.]
- July 2. **274.** Michael Smith, President of the Council of Nevis, to Nevis. the Duke of Newcastle. Lt. General Mathew did on 23rd April, on his departure for Great Brittain resign the Government of these Islands to me, as eldest Councillour of Nevis etc. *Has given orders* for securing the effects of the *Catherine* sloop, as directed by his Grace, Jan. 27 etc. *Signed*, Mich. Smith. *Endorsed*, R. 8th Sept., 1731. 2 pp. [C.O. 152, 43. ff. 151-152v.]
- July 3. **275.** H.M. Warrant appointing Governor Cosby Captain Hampton of an Independent Company at New York. *Countersigned*, Court. Holles Newcastle. *Copy*. [C.O. 324, 36. p. 320.]
- July 5. **276.** Mr. Bradley to the Duke of Newcastle. *Announces* New York deaths of Governor Montgomerie and Mr. Walter and begs to in be appointed to the Council in place of the latter. *Continues* :— America. My late good Ld. Bp. of Durham signified to me, that yr. Grace had promised his Lordship for me, the first favourable vacancy etc. I have been upwards of 8 years here in an office that has subjected me to a general odium, as I am to prosecute all offences agt. the Crown, weh. has proved the utter destruction of my family etc. (v. 24th Dec. 1730). *Signed*, R. Bradley. 2 pp. [C.O. 5, 1093. ff. 166, 166v.]
- July 6. **277.** Council of Trade and Plantations to Governor Belcher. Whitehall. *Acknowledge* letters etc. of 5th and 10th Dec. 1730, 13th and 25th Jan., 1st March, 5th and 26th April 1731, etc. *Continue* : If you have not heard from us, in return thereto, it has been because till yor. last letters we did entertain some hopes, that the Assembly might have been prevailed on, to comply with H.M. Instructions relating to your salary. But since you now tell us, in your two last letters, that you have no prospect of that kind, since you have neither come home yourself, nor deputed any person according to your Instruction, to lay an acct. of this matter before H.M., we shall take an opportunity of doing it ourselves, and as soon as we shall know H.M. pleasure thereon, you may expect to hear again from us ; In ye mean time we must acquaint you ; that we have reported our opinion upon ye bill consented to by the Council and Assembly for settling yor. salary, which we can by no means think a compliance, either with the letter or intent of H.M. Instruction. In answer

1731. [277]

to that part of your last letter, wherein you mention the petition, or memorial from the House of Representatives to H.M. against three of his Royal Instructions to you ; we must observe that the people have an undoubted right of addressing the Crown directly without any prior application to ye Governor, if they think fit to take that method, tho', the more decent way would be to desire their Governor to transmit their Address. We observe what you have wrote in your justification, against what you suppose must have been insinuated against you by Colo. Dunbar ; but we are of opinion, that he had sufficient grounds for his apprehensions, and he would have been wanting in his duty, if he had not sent us such informations as he had receiv'd upon that subject. We thought it would be for H.M. service, that this gentleman should be appointed his Lt. Governor of New Hampshire, to encrease his authority as Surveyor of ye Woods, and upon our recommendation, H.M. has been pleased to appoint him accordingly. But we presume he will always pay you that regard that is due to his superior officer, and we doubt not but you will treat him as a gentleman that bears H.M. Commission as Lt. Governor. We have considered the New Hampshire bill *for emitting 6000*l.* in bills of credit etc.*, but we can by no means advise H.M. to allow you to pass any such bill, as it must in consequence lower the credit of the Province, whereby their trade must greatly suffer ; however that we may be the better able to judge of ye state of ye Province with respect to their paper currency, we desire you will send us an acct. of ye paper money now current there ; and what fund there is for sinking the same ? How it has been apply'd and what discount their bills are now lyable to ? We observe what you write concerning ye Council of New Hampshire, but it will be time enough to consider of ye persons you propose, when we shall be informed whose vacancies you propose they should supply. In your letter of 25th Jan. you mention seven gentlemen of whom you say the Council consists ; but you do not inform us, whether ye others who were named in yor. Instructions are dead, or whether they decline acting. We therefore desire you will send us a more perfect acct. *etc.* [C.O. 5, 916. pp. 419-421.]

July 6.
Whitehall.

278. Council of Trade and Plantations to the King. An act was lately pass'd in your Majesty's Colony of Virginia *for continuing part of an act for laying a duty on liquors with some alterations and amendments.* This act continues the duty of 3*d.* per gall. on wine, rum, brandy and other distilled spirits imported into that Colony, laid by a former law for 5 years ending the 10th of the last month, for three years longer. But there is an additional clause, which provides that only one half of the said duty of 3*d.* per gallion shall for the future be levied upon any liquors imported by ships wholly and solely belonging to the inhabitants of Virigina. Against this clause we have

1731. [278]

received objections from several merchants engaged in the trade of Virginia, and as it appears to be a very partial stipulation in favour of the inhabitants of that Colony, manifestly design'd to encourage their Trade and Navigation in opposition and to the detriment of ye shipping and commerce of Great Britain, we therefore humbly beg leave to lay the same before your Majesty for your disapprobation. [C.O. 5, 1366. pp. 75, 76.]

July 7.
Whitehall.

279. Order of Committee of Privy Council. Agreeing to report of the Council of Trade and Plantations 11th May, and ordering that they prepare an additional Instruction for Lt. Gov. Pitt, to recommend in H.M. name to the Assembly of Bermuda, that they pay him an adequate salary, not exceeding 100*l.*, in lieu of licences formerly granted by him for whale fishing. *Signed*, Ja. Vernon. *Endorsed*, Reed., from Mr. Noden, 13th Augt., Read 23rd Nov., 1731. 1½ pp. [C.O. 37, 12. ff. 73, 73v., 74v.]

July 7.
Wednesday
morning.

280. Lt. Genl. Mathew to Mr. Popple. I am still confind with the gout, and therefore am not able this morning to attend their Lordships' commands. *Endorsed*, Reed., Read 7th July, 1731. *Holograph*. 1 p. [C.O. 152, 19. ff. 54, 57v.]

July 7.
Whitehall.

281. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations to hear the petitioners thereupon and report what they think proper to be done *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 17th, Read 20th July, 1731. ¾ p. *Enclosed*,

281. i. Petition of Merchants trading to Jamaica to the King. *Pray* for repeal of act of Jamaica laying a duty upon negroes imported and exported "to the great discouragement not only of your petitioners carrying on their trade but also to the better settlement of that island as well as to the commerce and navigation of Great Britain." *Pray* that the Governor may be restrained from passing any act of Assembly laying any such duty for the future. *Signed*, Hum. Morice and 16 others. *Copy*. 1½ pp. [C.O. 137, 19. ff. 63, 64, 64v., 66v.]

July 7.
Whitehall.

282. Order of Committee of Privy Council. Referring following, as above. *Signed and endorsed as above covering letter.* *Enclosed*,

282. i. Petition of the Master Wardens Assistants and Commonalty of the Society of Merchants Adventurers within the City of Bristol to the King. *Pray* for repeal of act and directions to Governor *as above*. "The discouraging the importation of negroes into Jamaica will not lessen the raising of the productions

1731. [282. i]

of that island, but also the trade from thence with the Spaniards, as it must necessarily occasion a less number of negroes being sent to Jamaica since the day of importation is paid or secured to be paid before any sale is made thereof, or any certainty that negroes will be sold but at such prices as the planter shall think fitt to give with which if the importer be not satisfied the charge of keeping them will soon eat out the value and if he sells them to be sent to the Spanish coast he has another duty to pay on exportation which great dutys will not only lessen our exportation to Africa, but the employment of our Navigation as well as prevent the better settlement of our colonys and consequently be destructive to the general interest of the Nation." *Copy.* 1 $\frac{3}{4}$ pp. [C.O. 137, 19. ff. 67, 68, 68v., 70v.]

July 7. **283.** Order of Committee of Privy Council. Referring
Whitehall. following *as above.* *Same signature and endorsement.* 1 p.
Enclosed.

283. i. Petition of the merchants and owners of ships of and in the Port of Liverpoole trading to Jamaica to the King. *Pray for repeal of Jamaica act as above.* *Signed,* Geo. Tyrer, Mayor, Saml. Ogden and 38 others. 2 pp. [C.O. 137, 19. ff. 71, 72, 72v., 76v.]

July 7. **284.** Order of Committee of Privy Council. Referring
Whitehall. following to the Council of Trade and Plantations. *Signed,* Ja. Vernon. *Endorsed,* Reed., Read 22nd July, 1731. 1 p.
Enclosed.

284. i. Petition of Richard Partridge to the King. Petitioner "humbly prays thou wouldst please to direct to be layd before thee for thy Royal assent by the Lords Commissioners for Trade *etc.* Six Acts of New Jersey which have been submitted to them" *etc.* (v. 4th March, 1729, 10th Jan., 1730 *etc.*) *Marginal notes as to proceedings upon above Acts.* 1 $\frac{1}{2}$ pp. [C.O. 5, 972. ff. 221, 222, 222v., 224v.]

July 7. **285.** Order of Committee of Privy Council. Referring
Whitehall. following to the Council of Trade and Plantations for report their opinion on those parts which complain of the 16th and 30th articles of the Governor's Instructions. *Signed* Ja. Vernon and *endorsed as preceding.** 1 p. *Enclosed.*

285. i. Address of the House of Representatives of the Massachusetts Bay to the King. We your Majesty's most loyall and dutifull subjects, having full confidence

* *i.e.* Reed., Read July 22, 1731.

1731. [285. i]

in your Majesty's paternal care and tenderness, humbly beg leave to lay open to your wise and compassionate consideration the difficultys and distresses your Majesty's subjects in this Province labour under by reason of certain Instructions given your Majesty's Governor, more particularly your Majesty's sixteenth Instruction directing the Governor to consent to the emission of 30,000*l.* only in bills of credit to be called in so suddenly that no more than that sum should pass at one and the same time, which Instruction if complied with would render it next to impossible to support the Government here, inasmuch as every year for about eleven years to come is loaded with great and heavy debts to be paid for the discharge of such sums as have been expended in the late chargeable and distressing Indian warr in defence of your Majesty's territorys and dutiful subjects here, and could not possibly be defrayed in the respective years wherein such debts were contracted, and while the Province is struggling to discharge the former debts should they be prohibited the emission of any bills to pay the standing charge of the Province, and the laying the funds for drawing them in on any of those years that are as yet burthened with no debt they must necessarily pay about 50,000*l.* pr. ann., a thing impracticable, especially after a few years when the bills of credit will be mainly called in, which are the only currency whereby publick or private debts can be discharged. Whereas if the Government was permitted to emitt bills of credit to be laid on some future unincumbered years, to pay such part of the annuall charge of the Province as the Government are not at present able to defray besides the old debts, they would in about eleven years intirely discharge the old debts and have only some smaller sums to pay for some part of the standing charge of the Province during the eleven years aforesaid, which in some few years further by the blessing of God on the industry of your subjects here might be discharged and this Province become free from debt. And your Majesty's loyall and dutiful subjects are the more apprehensive of difficulty by this Instruction, because H.E. the Govr. in obedience to your Majesty's commands, and for the good and safety of the Province has directed a survey of your Majesty's forts and garrisons, here, which are very much run to dispare [*sic*], the necessary reparations whereof, it is supposed may cost 20 or 30,000*l.* This House are also under great concern that they are not able in faithfulness to the rights and

1731. [285. i]

privileges of your people here to comply with your Majesty's 27th Instruction directing the settlement of a salary on the Governor for the time being by reason (as we humbly conceive) that the frame and constitution of our Government would thereby be very much altered if not subverted and our circumstances be farr different from those of English subjects ; there would be no ballance of power in the severall branches of the Legislature, the House of Representatives would depend on the Governor for many things of the greatest consequence to them and the interest and safety of the people they represent, while no obligation in those points will lie on the Governor. This notwithstanding your Majesty's loyal subjects are willing and desirous to grant from time to time an ample and honourable support to your Majesty's Governors suitable to the dignity of their station, and accordingly soon after his Excellency's arrival a grant of 3000*l.* past the House of Representatives, but was non-concurr'd by your Majesty's Council, after which an act past making a further offer for H.E.'s ample and honourable support, and being concurred by the Council was laid before H.E. for his consent, the which he refused by reason of your Majesty's Instruction, and at the opening the present session the aforesaid Instruction being again recommended by the Governor, has rendered the severall attempts of this Court for H.E.'s support without the settlement of a sallary ineffectuall. Your Majesty's good subjects of this Province are also under great difficultys on account of your Majesty's 30th Instruction, whereby as it is understood and proposed to be practised on, the Treasury of this Province is taken from the care of the House of Representatives and all the money therein subjected to the will and pleasure of the Governor and Council, without possibility of redress how unjustly soever the money in the Treasury may be misapplyed, this the House of Representatives cannot but humbly apprehend to be against common right and equity ; that those who grant and whose constituents pay all the publick money should neither see the accounts whereby the Province becomes indebted to prevent misapplications or unjust paymts. of the money nor when it is misapplied or wasted be in any way of obtaining reliet ; for the direction in the Instruction as to a future inquiry may serve to give us a more full sence and clearer view of the loss and wast of the publick money, and thereby increase our sorrow and distress, but neither affords

1731. [285. i]

nor points at any sort of remedy, the House of Representatives cannot impeach such as shall misapply the money in the Treasury, according to the ancient and well-known practice of the Honorable House of Commons before the Right Honorable the Lords Spiritual and Temporal *etc.* But the only methods that seem by this Instruction to be left the House of Representatives, are either to supply the Treasury with money as long as the people they represent have any, let their money be never so much imbezzelled, or otherwise to refuse all supply and leave the Treasury empty which would be in effect to dismantle all the forts and garrisons leave the Government defenceless, and put an end to all safety. As to which severall Instructions your Majesty's most dutiful subjects humbly implore your Majesty's favour and compassion that the Government here may be permitted to go on in a way that is practicable, in paying what they are in arrears, and to support your Majesty's Governor suitable to the dignity of your Majesty's commission, and in order thereunto, most humbly beg that your Majesty would be graciously pleased to grant your royall order of leave to your present Governor to accept of what has been or may be offered him from time to time, for his ample and honourable support when he shall deem it to be so, and that there may be the usuall securitys allowed as to the money in the Treasury. *Signed*, In the name and behalf of the House of Representatives, April 22nd, 1731, John Quincy, Spkr. *Copy.* 5 $\frac{3}{4}$ pp. [C.O. 5, 873. ff. 42, 43-45v., 47v.]

July 9. **286.** J. Belcher, jr., to the Duke of Newcastle. On behalf of his father petitions for further Instructions relating to his salary, there being no hope that the Assembly will go beyond their bill of 28th Oct. last *etc.* *Signed*, J. Belcher. 1 $\frac{1}{4}$ pp. [C.O. 5, 898. No. 88.]

July 10. **287.** Governor Belcher to *the same*. Since his letter of 12th Boston. June, has heard from Col. Dunbar that he has received H.M. Commission to be Lt. Governor of N.H., and quickly intended thither. *Continues* :—Whereupon I gave orders to the President of H.M. Council there, that upon his arrival he should summon the Council, and have his Commission publisht with the usuall solemnity, and with all possible respect to H.M., which was accordingly done, and Collo. Dunbar thank'd me therefor. Soon after which the Assembly sat att the time to which I had prorogu'd it, on the special business of the disputed boundaries betwixt the Massachusetts and Newhamshire, and my orders to the President of the Council (before Collo. Dunbar's

1731. [287]

arrival) were to go upon no other affair att that time, and in case any vote was agreed to by the Councill and Representatives, to send it hither to me, to approve and sign. Upon this, my Lord Duke, the Lt. Governor wrote me word he had litterally exeecuted my orders, and wou'd untill he had the words of his Commission viz. *in case of the Capn. Generall's death or absence* explained to him from home. To which *etc.* I wrote him, that the King in his royall instruction does not call my being in the Massachusetts an absence from Newhamshire, and that former Lt. Governours of New Hampshire had acted by the order of the Governour-in-Chief, altho' he was in the Massachusetts, and this my Lord Duke is certainly fact, and I think to be supported with the greatest justice and reason. If while the Captn. Generall and Governour-in-Chief is but 60 miles from New Hampshire, his Lieutenant shall presume to interfere with or dispute his orders, it must certainly lead to great confusion in the King's Government by weakning the authority of his Governour and thereby lessning the King's honour. I therefore hope with great deference to your Grace that no applications of my Lt. Governour will prevail to debarr me of any part of the power and honour which H.M. has in his great grace and favour conferr'd upon me, and which my predecessors have enjoy'd. I have not, my Lord Duke, been arriv'd from great Brittain quite eleven months, and I have made three journeys to H.M. province of New Hamshire and am going thither again in a few weeks, by which your Grace will see I do everything in my power for H.M. honour and service there. Nor have I receiv'd from that Government half so much as was the charge of my Commission, and in the Massaehusetts your Graee is sensible I have not receiv'd one farthing, tho' I have been and am att a great expence *etc.* Repeats the request that Col. Dunbar may not be countenanced in his attempts to subvert his authority *etc.* Signed, J. Belcher. Endorsed, R. Sept. 15th. 3 pp. [C.O. 5, 898. No. 89.]

[July 10]. **288.** Memorial on behalf of Governor Belcher, praying that he may be allowed to sign the bill or vote of Oct. last (v. April 26th), and to receive his support in that manner or in such other best manner as he can bring the Assembly to give it *etc.* In similar circumstances Lord Bellamont and Col. Dudley were allowed to take their salary in the manner the Assembly would give it *etc.* Endorsed, R. with Govr. Belcher's of April 26th. 1¼ pp. [C.O. 5, 898. No. 85.]

July 10.
Virginia.

289. Lt. Governor Gooch to the Council of Trade and Plantations. Refers to enclosed public papers and former letter relating to the dispute with the Agent of Lord Fairfax concerning the bounds of the Northern Neck *etc.* (v. C.S.P. June 29, 1729). Continues: Since which the people in this Dominion as well

1731. [289]

as many strangers from Pensilvania have discovered a strong inclination to extend our settlements on the western side of the great mountains, and on the River Cohongaroonton, under grants from this Government to hold their lands of the Crown, to which they urge too that land doth of right belong, as lying beyound any part of those rivers called Rappahannock or Potomack *etc.*: On the other hand the Proprietor's Agent insists that not only the main stream, which forms those rivers, but all other rivers and streams which communicate therewith, by what names soever they are known, and the lands encompassed thereby are within the limits of his grant. Notwithstanding which, I have hitherto according to the advice of the Council allowed such as have applied for grants of those lands to seat thereon with promise of patents so soon as they bring the number of people they propose to settle that frontier; judging that the Proprietor's charter can't have so large a construction as is pretended, and being sensible how much it is for H.M. interest to encourage such settlements, since by that means we may in a few years get possession of the Lakes, and be in a condition to prevent the French surrounding us by their settlements. Until this matter is adjusted with Ld. Fairfax, I shal, as much as in me lieth, prevent every uneasiness that might interrupt our present purpose, hoping if it is not likely to meet with a speedy determination, that your Lordships will advise me in what manner I shal proceed in the disposal of those lands and in the protection of the people who take grants under the Crown, from the encroachment of the Proprietor's Agent. It is some time since I informed your Lordships how necessary it is to secure the mouth of James River by a fort or at least a substantial battery; and at the same time I wrote to the Board of Ordinance for some cannon and other stores, to which letter I sent a duplicate, but have received no answer; and now that I am putting in order the other batterys, which are become ruinous, I should be glad not only to receive your Lordships' sentiments thereon, but to be supplied also with ordnance and stores suitable to such a work, and doubt not your Lordships' representation to that Board will procure what is necessary, about a dozen of six and thirty pounders and four eighteen pounders with strong carriages *etc.*, and a sufficient quantity of shot, and then I shal send home the old guns upon that ruined battery, which are no longer fit for service, with above thirty pieces of cannon which I took out of Rappahannock River where they had been about three-score years *etc.* Our stores of powder are become very small, for 'tis now a great many years since any was sent in, and some of that which remains is decayed and unfit for service. I hope by your Lordships' favour to receive a speedy supply, being very desirous to provide against the insults of pirates, which we have reason to expect from the usual encrease of that kind of vermin in times

1731.

[289]

of peace, and to secure us against the insurrection of our slaves, the enemy I do assure your Lordships we have great reason to be apprehensive of. Your Lordships will observe from the Council Journal what preparations are made towards putting in execution the Act for amending the staple of tobacco etc., it is now two moneths since Commissioners were appointed to direct the building of the warehouses, and almost as long since we made choice of Inspectors, in which all imaginable care has been taken with regard to the skill and integrity of the persons and the ability of their securitys. It was absolutely necessary to enter so early on the building the warehouses, because of the length of time requisite for finishing so great a work, and the advantage of the summer for erecting the wharfs, which could not be so well carried out in an uncertain season ; however I deferr'd this until point of time would admit of no delay and then boldly entered upon it through various discouraging reports, being satisfied that no substantial objection could be made against the law. But notwithstanding the assurance I have always entertained that your Lordships would not suffer a law to miscarry which is so well calculated to do justice to the Crown in all its revenue, to establish a fair and honest measure of dealing between man and man, to encourage the adventures of the fair trader, to raise a sinking trade, and when once we are well fixed in it, to give a more easy and quick dispatch to the ships sent hither on freight, it is with great concern that I am obliged to represent to your Lordships, that the suspense under which this law has layn, has afforded an opportunity to the masters of ships and others to propagate divers storys, sometimes as if a repeal was certainly to be expected, and at other times, and what is now agreed by all, that it is only to continue during one crop and then to be annulled : by this means many people who intended to build vessels for the more speedy lading of their ships have been discouraged, which I doubt not was the principal aim of those reports, and will in some measure have their effect in retarding the dispatch of the ships this next year, who I fear on this very account will not get their lading so soon as otherwise they would have done. But notwithstanding these artifices practiced here by those who are by this law restrained from pilfering and running tobacco, I hope the advantages of it will be found, tho' perhaps not such as I should have expected, had I gone on without opposition, and no handle given to work upon the apprehensions of the people. And lest the same game should be played over again, and the people still kept under the like fears to the obstructing the good effects of this law, I humbly intreat your Lordships to obtain H.M. royal approbation of it for the time it is to continue, which I am perswaded will add so great force to the measures projected thereby, as will clearly demonstrate its usefulness both to the encrease of the Customs,

1731.

[289]

the advancing the value and goodness of the staple of this country, and the great ease and benefit of all traders. I have this one truth to add which will not be denied by any one that goes from hence, that the common planters are so far from being discouraged by the supposed charges and hardships pretended to be imposed on them by this law, that there never was known so great a crop of tobacco on the ground as at present, the planters exerting their utmost industry, which I hope will put to silence the false reasonings of those who suggest imaginary fears of its lessening the importation and consequently the revenue, when 'tis plain from experience that the people of Virginia can never be diverted from making tobacco but only by the lowness of its price. Whilst I was writting what is above, I recd. advice of a petition prepared by the merchants of London and Bristol trading to America, and designed to be presented to the Parliament for an act to be passed, prohibiting and making void all laws passed in the Plantations laying dutys which may affect the trade or shipping of Great Britain ; that lands in America may be lyable to the payments of debts ; and appeals allowed for any sum exceeding 100*l*. When I considered, my Lords, how long and happily the British subjects have traded to America and acquired great riches under the ancient establishment made in these parts by the Crown, sett forth in the Royal Charters and Instructions, without seeking to abridge the people of the Plantations of their birth-right as Englishmen, or limiting the Crown in the methods of Government, I must confess I was somewhat startled, for which reason I cannot forbear laying before your Lordships my thoughts on this extraordinary attempt of the merchants, tho' what I shal offer will be undigested, having had little leisure to discourse of it. As to laws affecting trade *etc.*, 'tis no easy matter to guess how far they design this shall extend. Neither of the duties by which the Government is supported, and thereby British trade and shipping encouraged and protected, can be set aside without weakening it, *etc.* *Continues* : There seems to be a farther view in this scheme, for if no dutys or fees are to be established here to affect their trade, then there can be no regulation of the tobacco trade, no penaltys on lading bulk tobacco, and pillaging or changing the freighters' hogsheads, and our late act for amending the staple of tobacco must fall in course : and indeed I suspect the petition is by a side wind levelled at that act, for the act carrys too clear a countenance of justice and honesty to be attacked openly by itself. But above this, such a petition is, with submission, a great disrespect to the King whose instructions and orders to His Governors are no more to be relied on, though always fully complied with as far as the nature of the subject matter would admit. Besides H.M. has it always in his power to make void any act inconsistent with the

1731.

[289]

interest of the British subject *etc.* *Continues* : The proposal of making of lands lyable to the payment of debts is not treating the people in the Plantations as if they were English subjects : lands here are held by the same tenure as in England, and are now lyable to the payment of debts in the same manner as lands in England are, and the British merchant may as easily come at them after judgment obtained in the Courts of America, as any man here can do, or as if the lands lay in England on suits brought there. Common justice requires that legal remedys should be reciprocal, and whenever a law shall pass in England making real estates subject to debts in any other manner than now they are, the Plantations will no doubt be very casie under such a petition. But whilst the people here have no method to recover their demands out of the lands of the merchant, and are too remote to be admitted to the benefit of the Commission of Bankruptey sued out against insolvent merchants, it would be hard to lay so unequal a burden on them alone, which in a few years must prove the ruin of the Plantation, or else sett them upon supplying themselves wth. manufactures of their own without being beholden to their Mother-country under such hard terms ; but it seems the petitioners only look to present interest without regarding what the consequence may be in future generations. The last thing proposed as to appeals for 100*l.* value or upwards is no less unreasonable, as it would be attended with the most fatal consequences to the Plantation, as will appear from what frequently happens *etc.* ;—A planter consigns 10 hhds. of tobacco to his merchant in London, desiring him to sell them and out of the produce to send him such and such goods. The merchant sends the goods, and with them an account of sales of the tobacco ; the next year more tobacco is consigned and more goods are sent for, and then comes an account current wherein the planter has credit for his first tobacco consigned, and so the correspondence continues for three or four years ; at last the merchant sends the planter a letter telling him that the tobaccoist to whom he sold four or five hogsheads of his first consigned tobacco is broke, that the money is lost, and the planter must repay it ; and for that money and some other small debt making in all 100*l.* he is sued. In this case, though no Court or Jury can possibly charge the planter with this loss after three years time, when it is proved that the merchant never sells without ready money, or on six months credit at most, and therefore the merchant must have given farther credit on his own acct. and risque, and thereupon there is a verdict here for the planter : yet if the bill now petitioned for passes, there is an appeal, and the poor planter knowing no man in England to whom he can entrust the defences there, and considering the charge he must be at of at least 70*l.*, or 80 on the tryal in England, will find it more for his interest to

1731. [289]

pay what is unjustly charged him than to defend himself at such an expence. Many more instances may be given as I am told of the like hardships in the matter of accots. which the planters here must submit to, if appeals be allowed for so small a sum *etc.*, for a voyage from America to England and four or five moneths attendance there for the hearing of an appeal is no trifling expence. So that I humbly conceive the sum already limited by H.M. Instructions is much more reasonable *etc.* *Continues*: If what the petitioners propose, tended any way to the interest of the British trade, to the securing the dependency of the Plantations to the Crown, or to the consumption of the British manufactures, I should be far from objecting against them; But 'tis plain to me they must have a quite contrary effect in all these particulars, seeing they aim at depriving the Plantations of the means of supporting the respective Governments and providing for their necessary defence in time of danger, tend to alienate the affections of the people from their Mother-Country, and to compel them to fall on other means to subsist and cloath their familys than by British manufactures, and in short the whole project is so very unreasonable, that the best thing I can say of the gentlemen concerned in the petition is, that they know not what they ask. I have still one thing more to lay before your Lordships which shall be done by the hands of our Agent, in order to have the opinion of the Attorney and Solicitor General, whether slaves, Christians or not, convicted in the Plantations of such crimes as by the laws of England are within the benefit of clergy, are entitled to the priviledge of the statutes of England concerning Clergy *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 4th Oct., 1731, Read 18th Jan., 1731½. *Holograph*. 6¼ pp. *Enclosed*,

289. i. Account of H.M. revenues of 2s. pr. hhd. in Virginia 25th Oct., 1730—25th April, 1731. *Totals*: *Balance* brought forward, 9380l. 18s. 8¼d.; *Receipts*, 588l. 11s. 6½d.; *Expenditure*:—1685l. 10s. 11d. *Signed*, John Grymes, Recr. Genl., John Blain, Depty. Audr., William Gooch. 6th May, 1731. 2 pp.

289. ii. *Same* from 25th April—25th Oct., 1730. *Totals*: *Balance* brought forward, 7835l. 19s. 2d. *Receipts*, 3,592l. 4s. 1¼d.; *Expenditure*, 2047l. 4s. 7½d. *Signed*, as preceding. 2 pp. *The whole endorsed*, Recd. 4th Oct., 1731.

289. iii. Account of H.M. Revenue of Quit-rents 25th April, 1730—1731. *Totals* (including *balance* brought forward, 4600l. 14s. 3½d.): 7541l. 4s. 8½d. 2¾ pp.

289. iv. *Same* for 25th April, 1728. By *balance*, brought forward, 1852l. 0s. 9¾d. By *expenditure*, 1852l. 0s. 9¾d. *The whole, signed and endorsed as No. i.*

289. v. Proclamations by Lt. Governor Gooch (a) 28th Oct., 1730, proroguing the Assembly till 20th May. (b)

1731. [289. v]

28th Oct., 1730, for preventing unlawful meetings and combinations of negroes *etc.* (c) 6th May, 1731, for proroguing the Assembly till 24th June, and (d) 10th June, 1731, till 18th Nov. Williamsburgh. *Signed*, William Gooch. *Endorsed*, Recd. 4th Oct., 1731. *Copies.* 2 large pp. [C.O. 5, 1322. ff. 200-204v., 205v.-212, 213, 213v. (*with abstract*).]

July 11.
Portsmo.
New
Hampshire.

290. Col. Dunbar to Mr. Popple. Was at Fredericks Fort when he received his Commission for Lt. Govr. *etc.* Is wholly indebted to the Council of Trade for that favour and will do his best to deserve their good opinion *etc.* *Continues* : I waited some time at Fredericks Fort to receive an officer and a partie of soldiers from Collo. Philips regiment from Nova Scotia *etc.* I sent for them according to my Instructions upon rumours that the Indians were prejudiced against us, in September last, but they did not arrive until the 14th of June, the 23rd of the same month I sailed thence, and landed here next day ; I was very kindly reced. by the Gentn., but my Commission was not published until the 28th that they might have time to shew some honours which Govr. Belcher was pleased to order upon that occasion, and which I would willingly have declined ; upon the first inst. the Assembly sat, and by a written order from Boston from the Chief Governour were only to renew a former vote empowering a Committee to meet another from the Massachusetts Bay at Newbury about settling the lines, and then immediately to prorogue them to September. I was surprized a few moments before I had the honour to meet the Assembly to be told that a speech was expected from me, and it put me under concern as I have no talent that way, herewith I send you a copy of it and the answer of the House of Representatives, but intreat it may not be made a Coffee House diversion by exposing it in print (*more majorum*). I was not less surprized to be informed from the sd. order from the Governour, that any vote passed here must be sent to him to Boston to be signed, and when I asked the opinion of the Council thereupon and whether or no the chief Governour was then present or absent, I was answered that he was deemed to be virtually present, and I had nothing to do but obey his orders. A majority of the Council (there were but six present) were of that opinion they are under some obligations to him but the other Gentn. quoted instances where Lieut. Govrs. have held General Assemblies, passed acts and done every other act of Governmt. in his own name when the Chief Govr. was at Boston, however I was inclined to avoid disputes with him as may be seen by a copy of a letter I wrote to him on the 3rd instant, with his answer to it, so that I am of so little significancy that I am really ashamed ; however if my Lords Commissioners are of opinion against me I shall chearfully submit, tho' Mr. Belcher

1731.

[290]

is the very last man upon the globe that I would choose to be a sub to, it is incredible how he has maltreated me, he has not only murdered my character in this country, by saying I was a poor lying insignificant fellow, but influenced as great acts of injustice against me as ever was imposed upon any man *etc.* *Complains that* he has intercepted his letters and handed about one from his wife *etc.* (v. July 15th). *Continues* : I am really apt to beleive it is a counterfeit letter, because I cannot conceive what my wife could write to me to give my enemies so much pleasure ; I lately had an accot. of this attempt of Mr. Belcher's to print the letter from a gentn. of fortune and veracity, which provoked me to write a letter to him. *Encloses copy to the Board.* *Continues* : If it be thought I was too warm, I hope the provocation will justifie me ; after this I fear my accot. of the present state of this province *etc.* may be tho't somewhat prejudieed against Governour Belcher ; it is most certain that no colony can be in greater confusion, he has turned out so many gentn. from the country employments without consulting the Council or shewing that he had a power in himself by his Instructions *etc.*, that there is a stagnation of Justice, no Superior Court having sat since he displaced the old Judges, of which, now not one amongst the four of that Court ; the Speaker Collo. Wiggins was one, and upon the Governour's putting a man before him in a new Commission, who had ever been his inferiour, he declined acting for which he was by an unpresidented written order striped of all employments in open Court, having been Collo. of one of the regiments and for many years in Commission of the Peace, he is a man of a very good character and much esteemed *etc.* The Governour has not yet appointed any Justices of the Peace in the town where Collo. Wiggins lives, nor in four other townships where he hath turned out gentn. who have long served in that Commission, the country employments are worth nothing and none but gentn. of fortune can support ym., a Judge of the Superiour Court I am told is not worth more than thirteen pounds pr. annum, which is about 2*d.* per diem sterl. He has removed the Courts from this which is the Province town to 3 country towns so that but one of four yearly Courts sit here, he is said to be influenced to do all this by one Mr. Waldron, an Attorney, who has been for some time Clerk of the Council, he is now a Member of it, by the Govr's. appointment, tho' there was no vacancy that he had power to fill, untill they prevailed upon Mr. Westbrook his father-in-law to resign, he is also made a Judge, and a Justice of the Peace, and is commissioned Province Secretary which is new here, he is very obnoxious to many of the better sort of people and to him are imputed all the inconveniencies now upon the Province. I have had frequent complaints from the country which you'l find I represented to H.E., and you'l see by his answer to how little purpose. I fear that I am remiss in my duty in not

1731. [290]

remedying them myself, and beleive I shall, if he does not soon appoint magistrates; no two were ever more like to like then Mr. Belcher and his chief Minister which he has the assurance to call Sr. Robert, this is fact and cannot be denyed he has another at Boston which he himself calls so, one Pemberton whom he sends on errants, anybody who has been at Boston can vouch this, Mr. Dalton a gentn. now in Londo. of extraordinary good character and Mr. Barker a relation to Sr. Thomas Frankland can vouch it; the sudden prorogation of the Assembly here made the country a little dissatisfied with me, until the Governour's orders were made publiek for so doing; this prevented them from addressing H.M. and therefore some of the Council and Assembly the three members for this town and some other of the chief inhabitants have joyned in a memorial to my Lords Commissioners which they have requested me to transmit, and to pray a speedy answer. I herewith send it and humbly recommend it to their Lordships it could not be imagined that from my last arrival here as Lieut. Governour I could know so much as I do of the state of the country. I have formerly spent part of my time here as Surveyor, and in my letters home I always did them the justice to say how civil and respectful they were to the King's Officers, and a very different people from their neighbours of the Massachusetts, who too frequently shew their disregard to H.M. servants; I mention this only because it has been represented here that I had given an ill character of them at home, which would have been false and unjust; I heartily wish they were under a seperate Govermt. from the Massachusetts for the reasons in their memorial and I hope it will not be imagined I am induced to be of this opinion in hopes of being the man myself, the Province is small and unable at present to give a seperate Governour anything more then they have now settled upon their chief Governour, and therefore it would be worth nobody's acceptance but one of themselves, the late Lieut. Governour was born here and there are many worthy gentn. and good subjects, Mr. George Jaffry is the second in the Council, Collo. Walton the first being ancient, is passed being fit, and when my Lords are pleased to remove me, I take leave to recommend Mr. Jaffry as the properest person to serve H.M. I ought to do the gentn. the justice, to own that there are others well deserving but if they had the nomination themselves, Mr. Jaffry would be the man *etc.* *Refers to enclosures.* Upon reading them I beg my Lords will observe the difference in the wording of the two acts from this Province and the Massachusetts, for adjusting the lines between ym., and whether one do's not shew a better disposition towards it than the other; it is not to be expected it can be settled on this side the water, an order from H.M. with an explanation of the words relating to it, and the line of longitude, in the last Charter must

1731. [290]

determine it, and they hope they will not be circumscribed by the northerly course of the turn of Merrimack River but that their westerly bounds will extend as farr as their neighbours on either side; If the charter of the Massachusetts is to be vacated then Merrimack River will be the natural bounds between the two as far as the course is near westerly, and whenever that happens the Province of Main added to New Hampshire would be a handsome and extensive Governmt. and would be convenient and pleasing to both people; there is another wide difference between New Hampshire and their neighbours, there they are Independants, and great zealots, here they are moderate and inclining to the Church of England, tho' there never was one within the Province; the Gentn. of this town, and who are generally in disgrace with H.E., have made handsome subscriptions for building a church, and are upon beginning it, but the maintenance of a Minister at first will be very heavy upon ym. as the congregation will not be very numerous, they are upon sending a modest and ingenious gentleman to be ordained by my Lord Bishop of London, who has been some years a preacher in this country, he was bred at Cambridge Colledge near Boston and is very desirous of being in orders, but discouraged from the thoughts of returning to this country because the maintenance of Ministers is generally very small, and no chance for a man of any merit to preferment. I'll take the liberty to recommend him to my Lord's interest to get some encouragemt. from H.M. as well from the Society for propagating the Gospel, and I hope such would have a very good effect in these parts. Govr. Belcher bro't over some Church plate and ornamts. for one of the churches at Boston, as H.M. bounty, I humbly pray my Lords will recommend this new one for the like favour. *Enumerates* six present Councillors. *Continues*: There is but one more vizt. Capt. Frost, but he is uncapable having lost his speech and his limbs by the palsy *etc.* Mr. Waldron is hitherto only recommended to H.M. for a mandamus, but I earnestly intreat the favour that he may not be of the number for the aforesd. reasons, and for the oppositions he formerly gave me in conjunction with his father-in-law Mr. Westbrook when I made a formal tender of 130 mast trees which were seized here by my Deputies, this may appear by a copy of a most scurilous letter wrote by Mr. Waldron, and signed by Mr. Westbrook to the late Lieut. Governour here, wherein he and I were much abused, which copy I transmitted to you 18 months ago, and which I request you will once more lay before the Board. As Lieut. Governour I am told I have no place nor vote at the Council table when the Chief Governour is there. I therefore pray that I may have an order or qualification to regulate as my Lords intend it should be, and I should take it as a very signal mark of their Lordps. to recommend Mr. Benning Wentworth eldest son of the late Lieut. Govr.,

1731. [290]

Mr. Theodore Atkinson, Mr. Joshua Peirce senr., Collo. Andrew Wiggin, and Collo. John Gilman to be of the Council; my brother will take out their mandamus's, these would only make up ten of the number, and it would be a credit to me to be intrusted with a blank mandamus or two to fill upon occasion; the gentn. that is about going to be ordained his name is William Shurtaff, if my Lords would be pleased to recommend him to be Province Secretary by H.M. Commission he is well qualified and would be a help to him and his small congregation, it is not worth above 25*l.* ster*l.* pr. annum. It is now time for me to make an apology for this tedious epistle which with my most humble duty I pray you will lay before my Lords and favour me with an answer *etc.* *Signed*, D. Dunbar. *Endorsed*, Recd. 28th Sept., 13th Oct., 1731. *Copy sent by* [Capt.] Bax. 5 pp. *Enclosed*,

290. i. Deposition of Theodore Atkinson and Thomas Packer. Copy of July 15 encl. i. *q.v.*

290. ii. Memorial of members of Council and of Assembly and of other inhabitants of New Hampshire to the Council of Trade and Plantations 10th July, 1731. We *etc.* inhabitants of H.M. loyal and dutifull tho' small and poore Province of New Hampshire in America being lately dissappointed of an oportunity of addressing our most gracious King from the Representatives of our people in General Court assembled and setting forth the hardships we suffer by the dispute about the lines between us and the Massachusetts Bay, this dissapointment being occasioned by a sudden prorogation after one day's sitting by our Lieut. Governour pursuant to directions sent from our Chief Governour from Boston, which was very surprising to the House of Representatives here who at the instant of prorogation were preparing such address, doe therefore most humbly pray to be permitted to lay our said hardships before your Lordships. When our present Chief Governour was pleased to communicate to us the Royal Instruction for settling the said lines we received them with all thankfulness and duty and immediately proceeded upon naming our Commissioners in the very manner prescribed in the Instructions, but our choice not being approved by H.E. and very difficult to find others qualified we readily came into other measures to facilitate the settlement of the said lines, as may appear by attested coppys of the proceedings thereupon. All which proving ineffectual and having too much reason to beleave that our neighbours of the Massachusetts Bay doe not desire to have the lines fixed because wee apprehend that they are making settlements which will be deemed

1731. [290. ii]

farr on our side the lines and are frequently exercising an authority and jurisdiction nine, tenn and eleven miles to the northward of Merrymack River by seizing and earrying away some of our inhabitants, imprisoning sueing and fineing them at their courts on the south side of the sd. river to the great dammage and discouragement of many poor familys. We therefore humbly pray your Lordships favour that H.M. may be addressed to interpose and give his royal orders for ascertaining and determining the lines in dispute to which we shall cheerfully submit as we have always done to his pleasure well knowing that H.M. can have no other intentions than the wellfair, prosperity and ease of his loyal subjects. We further begg leave to represent to your Lordships that this small Province labours under vast disadvantages by being under the Government of the same person with the Massachusetts as that Province is very considerable in respect to us, and the Governor's sallary chiefly arising there. We have been denied and cannot at any time reasonably hope for his assent to some acts which would be beneficial to our small Province, which if we were under a seperate Governour would not be denied to us and which might also enable us much better to pay the sallary which we have already pursuant to H.M. Instruction settled upon our Chief Governour, so as to enable a Governour of our own to support that rank. If we might presume to begg this favour of his Majesty it would be such an act of his goodness as would forever make His memory deare to our posterity as his royal person is now to us. To mention any other greivance which we feel we fear would render us too troublesome to your Lordships and imploye more of your precieus time than our proportion, and they are such as might easily be remedyed here, several of our towns are at this time destitute of any magistrate insomuch that a constable has come to the town of Portsmouth 38 miles to be sworn into his offee, and no Justice of the Peace nearer to the town he came from then 23 miles, this misfortune we labour under by an unhappy displeasure conceived against some of us by our Cheif Governour as we apprehend tho' we humbly are of opinion without the least grounds, we having not only complied with everything he asked of us in his Majesties, but passed a vote for paying him six months sallary beforehand, whereby in case of death or removal we may be lyable to pay the same or most part thereof to his suecessor. *Pray for an answer to this remonstrance etc. Signed, Geo. Jaffrey, Andrew*

1731. [290. ii]

Wiggin, Theodore Atkinson, Benning Wentworth, David Jeffries, John Wentworth, Josha. Peiree, Thos. Packer, Josh. Peiree, David Cargill, Willm. Brock, J. Bradford, Jno. Rindge, John Macmurphy. *Endorsed as covering letter.* 2 $\frac{2}{3}$ pp.

290. iii. Governor Belcher to [?] Boston, 21st June, 1731. Col. Dunbar may soon be expected at Portsmouth, where his Commission is to be published *etc.* *Continues* : "I would have the Assembly sitt the 1st of next month in order to agree on the 13th of July to meet the Commissioners of this Province about the line at Newbury *etc.* Your Assembly having voted the time agreeable to the Committee here, let the Court be prorogued to the first Wednesday in Sept. next and the vote they make the Secretary must send me hither to Signe. *Signed*, J. Belcher. *Endorsed as preceding.* *Copy.* $\frac{1}{2}$ p.

290. iv. (a) Speech of Lt. Gov. Dunbar to the Council and Assembly of New Hampshire. 1st July, 1731. Expresses pleasure at appointment and appreciation of his predecessor, whose administration made him universally beloved. Their meeting is intended to proceed upon settling the line *etc.* *Signed*, D. Dunbar. *Copy.* 1 p.

(b) Reply of Assembly to preceding. 1st July, 1731. H.M. apointing a Lt. Govr. that hath been so long and continually inployed in publick services is a mannifest mark of his royal goodness and kindness to this people. The memory of the late Lt. Govr. will always be dear to them *etc.* We shall doc everything that can be reasonably expected from a loyal people to make you easy *etc.* *Signed*, Andrew Wiggan, Speaker. *Same endorsement.* *Copy.* 1 p. [C.O. 5, 873. ff. 144-147, 148-152v. (with abstract).]

July 12.
Hampton
Court.

291. Duke of Newcastle to the Council of Trade and Plantations. It having been represented to the King, that the Officers and private men of the two Regiments that were sent to Jamaica last year, suffer greatly from the badness of the climate, and that the said Regiments are of little or no use for suppressing the rebellious negroes there; H.M. has commanded me to signify to your Lordps. his pleasure, that you examine into this matter, and report your opinion with all expedition, how farr the said Regiments may be usefull towards reducing the rebellious negroes, or necessary to be continued for the defence and security of that Island. *Signed*, Holles Newcastle. *Endorsed*, Reed. 12th, Read 13th July, 1731. 1 p. [C.O. 137, 19. ff. 35, 36v.]

1731.
July 12. **292.** Governor Belcher to the Council of Trade and
Boston. Plantations. *Encloses* duplicate of 21st June and awaits
answers to his many letters since 10th Dec. *Repeats* letter to
Duke of Newcastle July 10th. *Concludes* : I hope nothing
Col. Dunbar may write will have any influence to my prejudice,
till I first have an opportunity of answering for myself. He is
a gentleman of a most uneasy restless temper, and I wish to
God I was clear of him. I am sorry while I tell your Lordships
that Governor Montgomerie of New York dy'd there very
suddenly the first instant. He was a gentleman of an
uncommon character, universally belov'd living, and so lamented
dead. *Signed*, J. Belcher. *Endorsed*, Reed. 28th Sept., Read
19th Oct., 1731. 2 $\frac{3}{4}$ pp. [*C.O.* 5, 873. *ff.* 193-194, 195,
195v., 196v. (*with abstract*).]
- July 13. **293.** Governor Belcher to the Council of Trade and
Boston. Plantations. *Repeats* part of preceding, *mutatis mutandis*.
Signed, J. Belcher. *Endorsed*, Reed. 3rd Sept., Read 19th Oct.,
1731. [*C.O.* 5, 873. *ff.* 191, 191v., 192v.]
- July 13. **294.** Mr. Popple to Mr. Fane. *Encloses*, for his opinion
Whitehall. in point of law, 12 acts of Jamaica passed in 1730. [*C.O.* 138,
17. pp. 316-319.]
- July 13. **295.** Council of Trade and Plantations to the King. *Repre-*
Whitehall. *sentation* upon Act of Jamaica *for the better regulating slaves*
etc., (for reasons set out, A.P.C. III. pp. 344, 345 *q.v.*) The Act
in effect repeals former laws passed at Jamaica in favour of
several negroes who had been made free for their faithful
services, and their descendants, and especially John Williams,
his wife, and descendants." It is also impolitick in its tendency
with respect to the interest and welfare of Jamaica, as well as
unequitable to the persons above mentioned ; and to the whole
order of free negroes, since it manifestly tends to discourage the
integrity of the slaves in that island, as well as the industry of
those who are become free : whereas it would in our humble
opinion be very prudent, eminently to reward all extraordinary
examples of fidelity and virtue amongst the negroes of all
denominations for the better governing of a people whose
service is so essential to the prosperity both of this Colony and
of all your Majesty's Plantations. We therefore take leave to
lay this act before your Majesty for your disapprobation.
[*C.O.* 138, 17. *ff.* 319-321.]
- July 13. **296.** Governor Belcher to the Duke of Newcastle. Is
Boston. obliged to trouble his Grace again after his letter of 10th July,
because he learns that some complaint is going home from New
Hampshire against him. *Continues* : I have good reason to

1731.

[296]

believe my Lt. Governor is att the head of this affair. Your Grace will upon this judge how inconsistent it is with the King's honour and service to have Collo. Dunbar continu'd to interfere and give trouble to the King's Governor *etc.* *Continues* : I now take the opportunity to give your Grace ten thousand thanks for the stop you put to his Commission for some time (as my friends inform'd me), and I wish to God it had been finally stopt, for he is the most restless uneasy Gentleman I ever had to do with. I woud still begg of your Grace he may be otherwise provided for, and that Coll. Henry Sherburn might be my Lieutenant Governor *etc.* Col. Dunbar's ill nature and prejudice against him are such that he supposes the same complaints against his are of the same kind as his pompous and fictitious complaint about Frederick's Fort, by which also much trouble was caused owing to his not having been allowed to see its contents before being sent home *etc.* When he himself exhibited a complaint against Governor Burnett at Whitehall, the answer was that no proceedings could be made upon it but to serve Governor Burnett with a copy for his answer *etc.* *Concludes* : I remember an observation of a great man when I was att Whitehall upon an opposition made in the house of Commons, that the pasture was streight and the cattle numerous. This may it please your Grace (comparing small things with great) is the case att New Hampshire. Men that are out of office, wou'd feign be in, and because they can't, the next thing is to murmur and grumble *etc.* Awaits copy of the complaint for his answer. *Signed, J. Belcher. 2 pp. [C.O. 5, 898. No. 90.]*

July 14.
Whitehall.

297. Council of Trade and Plantations to the King. Representation on Act of New Jersey, 1728, for appropriating part of the interest money paid into the Treasury by virtue of a law to the incidental charges of this Government and for subjecting the residue to future appropriations. Describe provisions of the Act of 1723 referred to. *Continue* :—Under these regulations [the original bills] have obtained a general circulation and have not hitherto been subject to that discredit which hath usually attended a paper currency in other parts of America. But by the present act the original appropriation is destroyed and the surplus of the interest made applicable to other purpose that of sinking the paper debt. *Refer to their* letter of Nov. 20, 1728, recommending Governor Montgomerie to urge the Assembly to repeal the last clause in the Act of 1728, "and to restore this fund to its original appropriation for the more speedy and effectual sinking the said paper currency, which not having been complied with on their part, we now take leave to lay the said act before your Majesty, for your disapprobation." [C.O. 5, 996. pp. 274-277.]

1731.

July 14.
 Portsmo.
 N.
 Hampshire.

298. Lt. Governor Dunbar to Mr. Popple. Has been requested by some of the principal gentlemen to send enclosed papers to the Board of Trade, requesting liberty to emit 40,000*l.* that county money *etc.* *Continues* :—It is not above 11,000*l.* sterl., and there is a very great necessity for it, there is no such thing as gold or silver mony here, and so little paper money (as it is called) that one of my Deputy Surveyors tells me he cannot gett of that sort, vallue for a bill of 15*l.* sterl., and I myself have been 10 days enquireing for province bills for a 30 or 40*l.* bill to London, and must at last send to Boston for it, to defray my expences here, the Province is small and really poor, but the people deserve better, they have a just sense of their duty to H.M., and it would be great favour to them to be indulged in this petition, and it would give me a great deale of pleasure to be an instrument of doing them any service, which is all the reward I can expect; I presume I need not tell my Lords that there is no sallary but to ye chief Governour, and tho' that is four times a proportion from this Province in respect to ye Massachusets one thousand pounds weh. is recomended to be settled on a Governour, yet it is too inconsiderable for any man's support but one of themselves. I am told the perquisites are worth 40 or 50*l.* sterl. pr. annum; since my arrival they have not amounted to so many shillings this currency *etc.* *Proposes* to return to Fredericks Fort for 2 or 3 months. "I reckon that my home for tho' the gentlemen here are exceeding civil and give me dayly invitations to entertainments, yet I am obliged to lodge in a publike house, and the best of them are bad in this country *etc.* PS. You will see by the letters weh. has passed between Governour Belcher and me, and which I now send to my brother to be communicated to my Lords, that he refuses to lett me see any of his Instructions, but what is worse he has of his own head put this Province under such confusion by turning out the principal gentlemen, without asking the consent of ye Council, or ever shewing his Instructions to enable him to do that of himself, weh. other Governrs. were restrained from by theirs, that noc Superiour Court has yet satt since his arrival here. *Signed*, David Dunbar. *Endorsed*, Recd. 7th Sept., Read 19th Oct., 1731. *Holograph*. 2½ pp. *Enclosed*,

298. i. Resolution of the House of Representatives of New Hampshire, 5th May, 1731. The county being liable for 1,500*l.* a year as a sinking fund for former bills, and 1500*l.* a year for the support of the Government, "which said sums altho' H.M. good subjects are heartily and chearfully willing to pay to the utmost of their abilitys towards the honble. support of the Government cannot by any possibility pay, partly by reason of the scarcity of money and partly because the sums exceed what is a reasonable tax, Wherefore

1731.

[298. i]

etc. voted, that an act be drawn up for emitting 40,000*l.* at 5 p.c. for 15 years *etc.*, and that H.M. be addressed to confirm said act *etc.* *Endorsed as preceding.* Copy, certified, James Jeffry, Clerk of Assembly. 1 $\frac{3}{4}$ pp.

298. ii. Minute of Council of New Hampshire, 6th May, 1731. Suspending application for leave for emitting above 40,000*l.*, inasmuch as the Governor, at the request of the late General Assembly, made application to H.M. for licence to postpone the payment of the outstanding part of the 15,000*l.* loan and for emitting 6000*l.*, to which H.E. has not as yet reed. any answer. *Same endorsement.* Copy. $\frac{1}{2}$ p. [C.O. 5, 873. ff. 178–180v. 181v.–182v.]

July 15.
Whitehall.

299. Council of Trade and Plantations to the Duke of Newcastle. Enclose following representation to be laid before the King. *Annexed,*

299. i. *Same* to the King. In obedience to your Majesty's commands *etc.* (12th July), we have considered how far the two Regiments in Jamaica may be useful towards reducing the rebellious negroes, or necessary to be continued there, for the defence and security of that island. These regiments we presume were ordered upon this service in consequence of an humble Address to your Majesty from the Govr. and Council of Jamaica in Nov. 1730 *etc.* (v. C.S.P.) *quoted.* *Continue:* By our last returns from Jamaica the number of white people including men women and children and indented servants was 7648, and the number of black slaves 74,525 exclusive of the free negroes who were then 865. But, since the fears which the people of Jamaica entertained of a Spanish invasion have been removed by the late conventions between your Majesty and the Crown of Spain and, as we have been informed that the regiments now in Jamaica can be of no other use for the reduction of the rebellious negroes than by keeping the black slaves in order at home, whilst the militia of the country shall be employ'd in hunting the former in the woods; we are humbly of opinion that your Majesty may be pleased to withdraw one of those regiments at least, if not both of them, especially as the people of Jamaica are unwilling to contribute for any continuance to their support. But on the other hand, if your Majesty should approve of this proposal, we could wish the same might be executed in such manner as not totally to deprive this valuable island of a force which is at present a considerable increase to the number of their white inhabitants, and which seems in some sort

1731. [299. i]

necessary for securing their domestick tranquility; wherefore we would humbly propose that the commanding officers of both the said regiments should receive your Majesty's instructions to disband not only such of their soldiers as are artizans and may be qualified to get their living, but in general all such as shall meet with fitting encouragement for settling, and shall be willing to stay in that country. The remaining Regiment, if one shall remain, may next be compleated to its full complement out of that proposed to be reduced. And as the two Independent Companies in Jamaica may reasonably be supposed to be very weak, from the great charge that attends recruiting in that island, we would also propose that they might be filled up out of the said regiments, whose officers may afterwards come home to raise their companies again in England, by which means the force of these regiments will still in great measure be preserved to Jamaica, and your Majesty will save the expence of bringing back the greatest part of the soldiers from thence to Great Britain. With respect to the negroes who have seated themselves in the mountainous parts of Jamaica, we beg leave to acquaint your Majesty, that we have reason to believe, that some of them are descended from the negroes left there by the Spaniards, when the English first possessed themselves of this island, and that their numbers have since been considerably encreased by those that have from time to time deserted from your Majesty's subjects. They are by some accounts supposed to be about 500 men able to bear arms, but what their positive number may be we cannot determine. Heretofore when they have been troublesome by their incursions amongst the outward settlements at Jamaica, the usual method was for the Governor to contract with the King of the Musquitos for a party of his subjects to hunt them in the woods, but we are informed that when the King of that nation was last at Jamaica, he was sent home dissatisfied with the usage he received there, which may possibly be the reason why the people of Jamaica have not applyed to him upon this occasion. But as the reduction or expulsion of these runaway negroes is absolutely necessary for the peace and settlement of Jamaica, we would humbly propose, that your Majesty's Governor of Jamaica should be instructed to try if by methods of lenity and good usage they may not be brought into your Majesty's obedience, in which case a proper tract of land may be allotted them in Jamaica

1731. [299. i]

for their habitation; but if this should be found impracticable or dangerous, and the island should be destitute of a sufficient force to reduce them, that then the Governor should endeavour to conclude a treaty with them for their being transported to one of the uninhabited Bahama Islands, or some other part of your Majesty's Dominions in America, where they might settle under proper regulations, and in time become good subjects to your Majesty, and useful to the publick. *Autograph signatures. Paper seal on report.* [C.O. 137, 47. ff. 107-109, 138, 17. pp. 321-326.]

July 15.
Portsmouth.

300. Lt. Governor Dunbar to Mr. Popple. By letters from my brother I understand that Governour Belcher's friends deny that any force was sent down or any jurisdiction exercised by his order at Fredericksfort, it is notorious that every child in this country knows it *etc.* *Refers to enclosures. Continues:* It is no wonder they can deny matters of fact, when it is courantly reported and believ'd here that Collo. Tailer and the Committee sent by Mr. Belcher to ask improper questions at Fredericksfort, were onely putt in there by stress of weather *etc.* It would be hard to give a general bad character of any country, but I will say that I never knew truth less regarded any where in my life than in New England, (I comonly mean by that, the Masachusets province onely) *etc.* My brother gave me hopes that my Lords Commissioners of the Admiralty would have sent a new commission for a Judge of Vice-Admiralty for the Masachusets instead of Mr. Byfield before whom, experience has convinced me, it is to no purpose to exhibit any libell. I took the liberty formerly to say it was very inconvenient to have the Admiralty Court officers here onely Depty. to those at Boston, and it would be great care to the people of Maine, if anything relating to them in that Court, could be tryed here without goeing 60 miles farther to Boston, it would be a very great conveniency to me and my Deputys, as all the pine trees are in New Hampshire and Maine. Pray commend this to my Lords for the opinion and intercession for such commission for George Jaffrey, now Deputy Judge of Vice Admiralty here. *Signed, David Dunbar. Endorsed, Recd. 7th Sept., Read 19th Oct., 1731. Holograph. 2 pp. Enclosed,*

300. i. Mr. Willard to three Justices of the Peace of York County; *Communicates:* Order of Governor and Council of the Massachusetts Bay to enquire into the complaint of Josiah Grover, which they apprehend to be a most flagrant and notorious riot *etc.* Upon sufficient evidence of the facts, they are to issue their warrant to the Sheriff to apprehend the offenders *etc.* He must be directed to take sufficient assistance to execute his warrant *etc.* Cambridge, Sept. 18, 1730. *Signed, J. Willard. Copy. 1 p.*

1731.

300. ii. (a) Order of above Justices to the Sheriff in accordance with above order. York, 25th Sept., 1730. *Signed*, John Wheelwright, Jos. Hammond, Wm. Pepperrell jr.
- (b) Sheriff of York County to the Justices. Oct. 13th, 1730. Has apprehended, by virtue of above writ, four prisoners and the schooner mentioned. *Signed*, Jer. Moulton, Sheriff. *The whole endorsed as covering letter. Copy. 3 pp.*
300. iii. Information of Josiah Grover to the Governor and Council of the Massachusetts Bay. Cambridge, 16th Sept., 1730. Complains of being driven from his settlement and seized in a schooner by some Irishmen from Pemaquid or Fredericks Fort. *Endorsed as preceding. Copy. 3 pp.*
300. iv. Order of the Council and Assembly of the Massachusetts Bay, 26th June, 1716, that, for the more convenient administration of Justice, all the lands families and settlements within this Province to the eastward of the Province of Maine shall be annexed to the county of York *etc.* *Consented to*, Wm. Tailor. *Same endorsement. Copy, examined by*, J. Willard, Secry. 1 p. [C.O. 5, 873. ff. 183, 183v., 184v.-185, 186v.-187v., 188v.-190v.]

July 15.
New
Hampshire.

301. Lt. Governor Dunbar to the Duke of Newcastle. *Has* received H.M. Commission to be Lt. Governor, and is very sensible of his unworthiness of so high a trust, but "will do my best endeavours to doe it like an honest man" *etc.* *Returns thanks* for his Grace's support when so much opposition was made to it *etc.* *Continues* :—Your Grace will be more and more sensible every day that the interest formed against me, was the same that opposes everything relating to H.M. and His interest in ye Masachusetts Governmt. If I had been less diligent in my duty in America, I should have had more friends and more money too *etc.* My enemies have stuck at nothing to blacken my character with your Grace, they are in that respect not unlike the papists who are of opinion they may use all ways and means to promote their own interest and keep no faith with hereticks, such, my Lord, are all those that differ from the Masachusetts principles, in their opinion; dayly demonstration evinces it, they deny facts upon public record. One instance was that they never sent any force to disturb the settlements at and near Fredericksfort, when in fact a High Sheriff was sent, who is also Major of a regiment in the Province of Maine, with an armed sloop and 36 men in arms to take prisoners from thence, and effected it, and some of the men to this day in ye county gaol of that province, more than 100 miles from the place where they were taken. I had ye

1731. [301]

honour some time agoe to give a full account hereof to your Grace and to my Lords Commissioners for Trade *etc.*, but there has been such tricks play'd with my letters both to as well as from England, that many have miscarried both ways, it is pretty common at Boston, and even Governour Beleher (under whose command I now am) has deigned to be so far concerned yt. way that H.E. has even handed copys about of one letter from my wife to me; this, may it please your Grace is a heavy charge against a man yt. ought to be a Gentleman. I have had the honour of writeing often to your Grace, and if I fail to prove any one particular as I represent it, I can expect no other but a scandalous dismissal from H.M. service and to be abandoned by all men of honour; until then I most humbly beg your Grace not to believe anything yt. may be suggested to my discredit, until I have an opportunity of justifying myself. I have now sent accounts of the new settlements, of wt. relates to this Province to my Lords Comms. for Trade, and requested yt. copys may be layd before your Grace. I have no clerk or assistant, and the ship that carries this is weighing anchor *etc.* Governour Montgomery dyed suddainly at New York the 1st instant. *Signed*, David Dunbar. *Holograph.* 3 $\frac{3}{4}$ pp. *Enclosed*,

301. i. Deposition of Theodore Atkinson and Thomas Packer, 15th July, 1731. Major Jeremiah Moulton, High Sheriff of the County of York, Mass., talking with them about an expedition he had been upon to Fredericks Fort, told them he recd. a warrant from the Justices of said county, by virtue of an order from Governor Beleher and the Council, and in pursuance thereof took up a vessel and enlisted upwards of 30 men, well armed *etc.*, and did proceed to Pemaquid Harbour, but the wind not allowing him to goe up to the Fort was forced into another harbour, where he stopped all people passing up and down the river, until he had got as many as he wanted, and secured them on board. He said he was not limited to any certain number of men, but might have carried the whole county of York if he had thought proper. *Signed*, Theodore Atkinson, Thos. Packer. 2 pp. [*C.O.* 5, 10. ff. 84-86.]

July 15. 302. Lord Baltimore to the Council of Trade and Plantations. Proposes John Ogle, of Dublin, and John Broughton, of Westminster, as security for Lt. Governor Ogle (*v.* 1st July). *Signed*, Baltimore. *Endorsed*, Recd. 16th, Read 20th July, 1731. 1 p. [*C.O.* 5, 1268. ff. 14, 17v.]

July 17. 303. Certificate by James Bertie that some time before the treaty for the sale and surrender of Carolina to the Crown was set on foot, Mr. Thomas Lowndes petitioned the then Lords

1731. [303]

Proprietors that his grants of 12,000 acres each might be exchanged for other grants of small parcels *etc.*, which was unanimously agreed to by the Board *etc.* *Signed*, Ja. Bertie. *Endorsed*, Reed. (from Mr. Lowndes) — Sept., Read 22nd Sept., 1731. $\frac{2}{3}$ p. [C.O. 5, 362. ff. 34, 35v.]

July 17. **304.** Certificate by Richard Shelton as to above transaction, but the petition and minute are lost or were delivered to Mr. Leheup of the Treasury amongst several other loose papers *etc.* *Signed*, Ri. Shelton. *Endorsed as preceding.* [C.O. 5, 362. ff. 33, 35v.]

July 17. **305.** Lt. Governor Pitt to the Duke of Newcastle. *Encloses*
Bermuda. journals and acts, as following. *Signed*, John Pitt. 1 p. [C.O. 37, 29. No. 14.]

July 17. **306.** Lt. Governor Pitt to the Council of Trade and
Bermuda. Plantations. *Encloses* answers to queries of 20th June, 1729, which he is ordered to transmit annually, with alterations that have happened since his last, and Journals of Assembly acts lately made, vizt. :—(i) *for the attaching the goods of any persons inhabitants or others not residing upon these islands*; (ii) *to supply the deficiency of the several funds etc., and for defraying the charges of the Government*; (iii) *to prevent attorneys defending titles of lands and tenements without giving security to make good costs and damages*; (iv) *for the further and better regulating negroes and other slaves, and for the more effectual and speedy way of prosecuting them in criminal causes*, being duplicates of those he last transmitted. *Signed*, John Pitt. *Endorsed*, Reed. 11th Oct., Read 1st Dec., 1731. 1 p. *Enclosed*,

306. i. Replies to Queries of 20th June, 1729. Same as Jan. 11, 1730, *q.v.*, with alterations. (i) There are 65 vessels, the biggest not exceeding 120 tons; (ii) British and East India goods were about two years since imported directly from London in some of the Bermuda vessels, but have for several months past been imported by the way of Barbadoes, which is all the trade from hence to any part of Europe. (viii) No. of inhabitants, White, 4,353; Blacks, 3,248. (ix) They are decreased within these two years 1,173, the chiefest reasons whereof are that the inhabitants daily remove their familys to other Colonys for their better support, and the blacks are often transported, (x) Militia, 509, besides officers. (xi) The fortifications are now almst repaired. (xvi) Finding that the sums raised for defraying the charges of repairing the fortifications were not sufficient, the act *supra* (No. ii) has been lately made *etc.* *Endorsed*, Reed. 11th Oct., 1731. $8\frac{1}{4}$ pp. [C.O. 37, 12. ff. 90, 91v.–96v.]

1731.

July 17.
Hampton
Court.

307. Mr. Delafaye to Mr. Popple. *Begs pardon* for not answering sooner his letter relating to Act of Jamaica *for the better regulating slaves etc.* and return thanks for notice of Mr. Williams' memorial. The reason for his delay was that his agency for Jamaica expired last March. "I had left my papers relating to it in town, and I was obliged to send for them to look them over, which the multiplicity of business and the hurry we have had here has hindred me from doing" *etc.* Has written twice to Governor Hunter for his reasons for passing the act, but not heard from him. But it appears from the act itself and his letter to the Board, 10th May, 1730, "that the intent of the act was chiefly to prevent the rebellious negroes from mixing among the other inhabitants of Jamaica, frequenting their markets, trading with them and being supplied with arms and ammunition. Whether those rebels, provoked by the attempts that have been made against them and not subdued, but rather elated with the ill success of those attempts, are less dangerous now than they were when that act was past, or whether the act itself was a proper method of cutting them off in some measure from the advantages of commerce and from the opportunities of being supported in their rebellion is what I must humbly submit to their Lops.' better judgement. As this regards the publick good and even the safety of the island, it seems in my humble opinion to deserve attention in the first place. Mr. Williams's case and that of other free negroes who are men of substance, if there be any more such, does also deserve consideration, and I must own that as it is stated it appears to be a hard one; for which reason I cannot desire that the act should be confirmed unless Major Genl. Hunter should send over such reasons for it as may convince their Lops. of the justice and necessity of it; But till I hear from him, I humbly begg their Lops. will be so good as to suspend the rejecting of the act. I hope that upon what I have written to Mr. Hunter, the law will not have been put in execution so as to prejudice Mr. Williams, or any others in like case, and that some act will have been past for taking off whatever may be too severe against persons in those circumstances. If I do not in a reasonable time receive from Jamaica a satisfactory explanation of this matter, the loss of the act (if they think it a good one) must be imputed to themselves, *etc.* Signed, Ch. Delafaye. Endorsed, Reed. 17th, Read 20th July, 1731. 3 pp. [C.O. 137, 19. ff. 73-74v.]

July 19.
Virginia.

308. Lt. Governor Gooch to the Duke of Newcastle. The course of trade from hence to London affording me now a convenient opportunity to convey to your Grace the journals of Council and other publick papers of this Government for the last year, it is with pleasure that I can inform your Grace, that as no extraordinary event has happened to disturb the public

1731. [308]

tranquility, so there will be found nothing in the journals to shew any other than a perfect harmony in the Government, and a general satisfaction amongst the people. Providence hath hitherto favoured this Colony with the greatest prospect of a plentiful crop of all the usual productions of the earth than hath been known for many years, particularly that of tobacco ; and if I could be so happy as to have H.M. approbation of the late act for amending the staple of tobacco, I have certain hopes not only of seeing a new life to this lately languishing trade by advancing the reputation of Virginia tobacco both at home and abroad, but also a very considerable increase of H.M. Customs. As this act hath no other meaning than doing justice to the Crown, meliorating the quality of our staple commodity, and establishing an honest method of dealing between the buyer and the seller, I need use no other arguments to engage your Grace's favourable recommendation of it, and therefore shall only add, that whilst it remains uncertain whether it is to have continuance or not for the four years it is intended to be in force the minds of the people will be kept still wavering and the due execution of the measures thereby established thence greatly discouraged, which makes me, with the great charge the country hath been at, the more solicitous for its speedy confirmation. I have one thing more to trouble your Grace with. It is to have the opinion of H.M. Attorney and Solicitor General *etc.*, whether slaves, Christians or not, convicted in the Plantations of such crimes as by the laws of England are within the benefit of Clergy, are intitled to the privilege of the statutes of England concerning Clergy. The case as it is stated here by our lawyers, I have ordered our Agent Mr. Lechup to wait on your Grace with *etc.* Signed, William Gooch. Endorsed, R. 24th Sept. *Holograph.* 1 $\frac{3}{4}$ p. *Enclosed.*

308. i. Proclamation by Lt. Governor Gooch. (a) proroguing the Assembly to 20th May. 8th Oct., 1730. (b) for preventing the unlawful meetings and combinations of negroes and other slaves. *Directs* the enforcement of the Act of 1723 for preventing the meeting of slaves at other plantations than those to which they belong and punishing such as shall assemble together, great numbers of negroes *etc.* having of late been suffered to assemble and divers wicked conspiracies framed amongst them *etc.* ; *also orders* the publishing of the act of 1705 concerning servants and slaves, and that the militia patrol the precincts of their several counties at Christmas, Whitsun and Easter-tide holydays, "and for further preventing the dangers which may happen from the secret combinations of negroes *etc.*, *also orders* that all persons serving in the militia and all overseers having arms do at such times as they repair to their several churches or chappells constantly

1731. [308. i]

appear with their arms *etc.* 28th Oct. 1730. (c) proroguing the Assembly to 24th June. 6th May, 1731. (d) proroguing the Assembly to 18th Nov. 10th June, 1731. Williamsburgh. *Copies. Signed.* William Gooch. 2 large pp. [C.O. 5, 1337. Nos. 51, 51 i.]

July 19.
Perth
Amboy.

309. Lewis Morris, President of the Council, New Jersey, to the Duke of Newcastle. The intention of this is to give your grace the melancholly account of the death of Collo. Montgomerie, our late Governour; he dyed suddainly at New York about foure of the clock on thursday morning the first of this month; some say of an apoplectick fit, some say the gout with which he had been for some time before afflicted got into his stomach and carried him off *etc.* He was buried on fryday evening, on saturday I received the scales and papers relating to this Province and immediately repaired to it, but it being the heighth of harvest here and the gentlemen of H.M. councill living verry remote from each other I could not get a councill together till the wedensday and then but foure of them besides myselfe; when I took the oathes usuall on such an occasion; and at the desire of that councill summoned another to meet at this place on the 16th pass'd. the inclosed addresse or memoriall to me which they desire me to lay before your Grace, is what I believe they chiefly intended by that meeting, if I am rightly informed, what is there said to me is the generall sence of the whole or by much the greatest part of the Province, and the truth of the matters of fact alleged by them consists with my knowledge. If H.M. should be graciously inclined to comply with their desires, I humbly submit whether it would be inconvenient to call the Assembly together to try whether a suitable support will be raised by them in case they should be indulged with such a separte governour; which perhaps they may now have verry vigorous resolutions to do in an ample manner, whilst their desires are strong; and which may flagg when they are gratified. the gentlemen of the Councill dwelling so remote from each other; and all but two from this place it is not easie to get a majority of them together. I find there are verry many officers both civill and military wanting which I shal try to supply in the best manner I can agreably to H.M. instructions and endeavour by my conduct to approve myselfe H.M. faithfull and loyall subject and your Grace's most obedient and most humble servant, *Signed,* Lewis Morris. 2 pp. *Enclosed,*

309. i. Address of the Council of New Jersey to Lewis Morris, President of the Council. Perth Amboy, July 18, 1731. Whilst expressing concern at the death of Governor Montgomerie, congratulate him upon his accession to the Government, and promise their support. *Continue* :—"If his Majesty shall not think it inconsistant with his service to suffer it to be longer

1731. [309. i]

than is usual on such occasions, we shall esteem it as a great instance of H.M. royall goodness and favour unto this Province. Tho' the late Governour was pleased to dispence with your attendance during the setting of the last Assembly so that you were not present at the many debates that then were concerning the government of this Province by a Governor separte and distinct from New York *etc.*, which (by the consent of the late Governour) at last ended in an address to H.M. *etc.* (v. 4th June). Yet the knowledge you have of the nature and circumstances of this Province and the long experience you have had of the methods of Government both before and since the surrender of it to the Crown (you having been nigh forty years concerned in it and for the most part at the head of the Council during that time) makes it impossible for you to be unacquainted with the reasons which induced the Assembly to make that address *etc.* The generall Proprietors did upon their surrender of the Government in 1702 concieve they were in some measure intituled to have a distinct Governour *etc.*, and the making the same person Governour of New York *etc.* being destructive of their interest, they understood that a distinct Governour was to be appointed and flattered themselves with the hopes of it. And if we are not misinformed, a person was by the then Queen named for that purpose : But the Lord Cornbury who had been some time before appointed Governour of New York (and who had then actually departed the Kingdom with a commission for Governour of New York only) did by the intrest of his friends at Court prevail on the Queen to alter her intentions in that point and obtained letters patent constituting him Governour of this Province also. The inhabitants soon found the ill effects that was the consequence *etc.* and the then Assembly by their remonstrance to him represented the inconveniency of his long absence and residence in New York *etc.*, but their complaints on that head, however reasonable have not been hitherto attended with the desired success, nor indeed have we any room to hope that any person Governour of New York supported by the large sallary and numerous perquisites of that government with a garrison at his command and a sumptuous habitation provided by H.M. for his residence with ease and splendour will be easily prevailed upon to have so much self denyall as to reside for any considerable time amongst us who have not great conveniencies for his reception and whose coming

1731. [309. i]

into this Province is not only attended with an expence to himself but a hazard of suffering some loss by his absence from New York. But however convenient the Governour's residence in New York may be to himself and however imaginary the supposing of him verry much under the influence of the Councils of that Province to the prejudice of this may be deemed to, be yet that the almost constant residence of the Chief Magistrate of any country out of the country to be governed by him has been and alwaies will be inconvenient and prejudiciall to that country we take to be self-evident *etc.* It is but too notorious a truth that the residence of the Governours of this Province in New York and their necessary application to the affairs of that Province have to often occasioned almost an intire neglect or forgetfulness of the concerns of this and when offices of the Government have become vacant they have been often suffered to continue so for a long time or filled with persons unfit for them to the great hurt of the country which we perswade ourselves would have been otherwise had the Governours been upon the spot and taken the advice of the Council here who dwelling in severall parts of the Province must be better acquainted with both men and things then a Governour residing in New York can probably be, it is no difficult task to multiply instances of this kind, few of the commissions either civil or military having been renewed by the late Governour, and some not since the accession of his present Majesty *etc.*, whereby severall of the Courts of Justice have with great difficulty been kept up and the militia in most places remaind undisciplined which in case of an invasion may be of bad consequence. The Governour's attending on the affairs of New York hath made it convenient for him to summon the Council to attend him in a part of the Province verry remote from their habitations that his meeting with them might be with the greatest ease to himself but at the same time could not be done by them but with great fatigue as well as an extraordinary expence and often when the publick affairs of the Province make applications to the Governour necessary, such is the inclemency of the weather in the winter season that it is not seldom verry difficult and dangerous to apply to him at New York but some times altogether impracticable. The Governour's being absent for a year and oftener for six months has been the occasion of great delays in the administration of justice both in causes depending in Chancery and in those before

1731. [309. i]

the Governours and Council on write of error to the great impoverishing of the parties *etc.*, who have been necessitated in order to expedite their business to consent to hearing in Chancery at the City of New York where at a great expence and loss of time they have attended with their Council for that purpose and in cases of appeals by writs of error which lye before the Governour and Council has been in this Province so seldom is a means of protracting those causes to such an extraordinary length as almost amounts to a denyall of justice and renders the judgment on which such appeals are brought in a manner altogether ineffectual. The Governour's residence in the Province of New York and expending in that place the sallary raised by this Province gives a great discouragement to the raising the necessary support of the Government the inhabitants conceiving they are not without an equitable pretence that the money raised by them should circulate in this Province and not be exported to another this they account in some measure detrimental to their trade which being but small is the less able to bear any discouragement. Sir, as His Majesty is the common parent of all his subjects who are how farr soever remote from his royall person equally the objects of his care and tenderness, so we flatter ourselves that when he is informed how inconvenient and detrimentall it is to this Province how prejudiciall to his service to have the same person Governour *etc.*, his royal goodness will be induced to commissionate some person to be Governor different and distinct from the Governor of New York *etc.*, and we pray that you would be pleased to lay before one of His Majesty's principall Secretaries of State what has been said to you on this head. *Signed*, John Anderson, John Hamilton, John Parker, John Johnston junr., Peter Bard, Ja. Smith. 3 pp. [C.O. 5, 983. ff. 26, 26v., 27v.-28v.]

July 20.
Whitehall.

310. Mr. Popple to William Wood. The Board has appointed this day fortnight to hear the merchants against the Act of Jamaica *laying a duty on negroes etc.* [C.O. 138, 17. p. 327.]

July 20.
Whitehall.

311. *Same* to Mr. Delafaye. *Reply* to letter of 17th inst. *Refers* to his of 30th June. *Concludes*: Their Lordps. being press'd to make their report, and the objections offer'd to the act, being very strong their Lordps. could not avoid laying the same before H.M. for his disallowance, and they were the rather

1731. [311]

inclined to do so, because not hearing from you on the day appointed, they naturally imagined you had nothing to offer in behalf of the said act. [C.O. 138, 17. pp. 328, 329.]

July 20.
Jamaica.

312. Governor Hunter to Mr. Popple. *Acknowledges* letter of 24th Feb. *and encloses* list of acts passed last session. *Continues*: That which enacts the additional subsistence for the two regiments for six months longer, that is to say twelve months from their landing, was carried with great struggle but by the majority of one vote, so God alone knows what must become of them when that time is expired. I am at present busied in fitting and ordering out a party consisting of four companys of the regular troops at Port Antonio, fourscore armed negroes and fourscore baggage by the advice of the Council, in conformity to an Act pass'd last Session to march against the slaves in rebellion in the North East parts, but the wheels of this machin move so heavily, and the levys go on so awkwardly that I have but little hopes of any great feats to be done this bout. Neither I nor any belonging to me have any lands at Port Antonio. In the beginning of the settlement I did put my children's names in some patents for the encouragement of others, but upon the landing of the troops I sold my negroes and abandon'd the grants which was always my intention when the place was once secured, as everybody here with whom I conversed intimately well knew. Your cousin Henderson who has lately lost his Lady will probably write by this conveyance more fully to you. *Signed*, Ro. Hunter. *Endorsed*, Reed. 8th Dec., 1731, Read 8th Feb., 173 $\frac{1}{2}$. 2 $\frac{1}{3}$ pp. *Enclosed*,

312. i. List of 6 Acts passed in Jamaica, 1731. *Endorsed as* preceding. 1 p. [C.O. 137, 19. ff. 102-104, 107v.]

July 20.
Whitehall.

313. Mr. Popple to Mr. Scrope. Having laid before my Lords Commrs. your letter of 4th June, inclosing two from Mr. Worseley, relating to the arrears due in Barbados, upon an act *for supporting the honour and dignity of the Government*; I am commanded to desire, you will please to acquaint the Lords Commrs. of the Treasury, that as the people of Barbados have alledged that they have by the said act made a much larger provision for their Governor than they are able to bear, frequent disputes have arisen between him and them upon that subject; and they have endeavoured to avoid the force of the said law: However, if the law be sufficient for the purposes for which it was intended (as the Govr. seems to apprehend it is) he has it in his power to put the same in execution; and my Lords Commrs. do not apprehend it necessary that the Royal authority should interpose between the Govt. and the People upon this occasion. [C.O. 29, 15. pp. 228, 229.]

1731.

July 21.
Whitehall.

314. Council of Trade and Plantations to Governor Montgomerie. *Abstract. Acknowledge letters etc.* of 22nd May and 21st Dec. Have discoursed with several New York merchants about the trading-house at Oswego, who propose a duty on furs payable at Albany might be a very proper fund for that charge. The Board inclines to a license to be paid by any one who wishes to trade with the Indians, which must be no greater than is required for that service. Are surprized that the Assembly should not contribute cheerfully to the support of this trading house. The Act for laying such a duty must have a suspensory clause. They hope the Assembly in the mean time will continue their present provision for the trading house. They have cancelled all that he has written about the paper currency of New Jersey. It was only an account of the many and cautious provisions for sinking the bills and preventing deficiencies, that they have allowed the Act for creating 40,000*l.* in paper currency lie by. It is not to be imagined, therefore, that they can give up any one of them. No harm can be done if the bills should be sunk in less time than that allowed by the Act. If, as he mentions, the Assembly refuse to assist at the sinking of these interest bills, as is required by the law, they must be answerable for the consequence. Having therefore often desired that he would propose to the Assembly the passing an act to repeal that *for appropriating a part of the interest money paid into the Treasury, etc. to the incidental charges of the Government etc.*, as the Assembly dont think proper to comply, that have laid this act before H.M. for his disallowance *etc.* Will be cautious how they lay the act last passed for creating 20,000*l.* more in paper bills before H.M. for his confirmation, considering how ready the Assembly are to break into their own appropriations. [C.O. 5, 1125. pp. 172-176. Printed, N.Y. Col. Doc. V. pp. 922, 923.]

July 22.
Whitehall.

315. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extract of letter from Governor Hunter, mentioning a memorial transmitted to his Grace for great guns and ordnance stores *etc.* *Conclude* : "That settlement being of great consequence, we take leave to remind your Grace thereof" *etc.* [C.O. 138, 17. pp. 329, 330.]

July 22.
Jamaica.

316. Governor Hunter to the Duke of Newcastle. *Encloses* list of acts passed last session of Assembly. *Continues* : That for continuing the country's subsistence for the two regiments here for six months longer, that is to say for twelve months from their landing *etc.* as July 20th. *Continues* : Burrish with the beef from Ireland arrived two days ago and I have ordered it to be sold at publick out cry as the other provisions have been, and I have ordered the produce to be put into the Receiver General's hands *etc.* *Suggests* that it be left there

1731. [316]

"for a fund for subsistence for the two regiments here in the event which I apprehend of their country's subsistence ceasing" etc. *Repeats part of 20th July.* PS. *Has issued a Commission to his son Charles Hunter to supply a vacancy in his Independent Company. "He is on the half pay list at home and does not want other qualifications." Asks for H.M. confirmation. Signed, Ro. Hunter. Endorsed, R. Dec. 8. 3 pp. Enclosed,*

316. i. List of Acts of Jamaica passed 3rd July, 1731. (i) *for providing additional subsistence for the two regiments etc.* (ii) *for rendering the Batt. more serviceable etc.* (iii) *for vesting the real estate of John Todd, planter in trustees etc.* (iv) *for vesting the real estate of Elizabeth Doddington decd. in the Churchwardens of Port Royal for performance of her will etc.* (v) *to confirm the title of Edward Charlton to three parcels of land in St. Jago de la Vega etc.* (vi) *to continue part of the act for the better suppressing rebellious and runaway negroes etc.* 1 p. [C.O. 137, 53. ff. 360-362.]

July 22.
Whitehall.

317. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 18 Acts of the Massachusetts Bay, passed in 1731. (i) *impowering Commissioners to determine the bounds of this Province and New Hampshire*; (ii) *in addition to the Act for settling estates of intestates*; (iii) *supplementing Act referring to the poor*; (iv) *regulating the soldiers in H.M. service and in the pay of this Province*; (v) *to prevent deceit in the gauge of cask*; (vi) *to prevent frauds in muster-rolls*; (vii) *to prevent unnecessary law-suits*; (viii) *for erecting the County of Worcester and establishing Courts of Justice there*; (ix) *for naturalizing Protestants of foreign nations*; (x) *in addition to the Act encouraging the killing of wolves*; (xi) *encouraging the raising the hemp*; (xii) *empowering Courts to adjourn to other towns in case of small-pox*; (xiii) *for relief of debtors*; (xiv) *for dividing the town of Taunton and erecting a new town there by name of Raynham*; (xv) *for payment of Members of Council and the Representatives from 14th Oct. etc.*; (xvi) *in addition to Act for ascertaining the number and regulating the House of Representatives*; (xvii) *for supplying the Treasury with 6000l.*; (xviii) *in addition to the Act for regulating weights and measures.* [C.O. 5, 916. pp. 422-425.]

July 22.
Whitehall.

318. *Same to Same.* Encloses, for his opinion in point of law, act of Antigua, 1730, *for the further continuance of John Yeamans as Agent etc.* [C.O. 153, 15. p. 110.]

July 25.
Squirrel,
St. Johns,
Newfound-
land.

319. Governor Osborn to the Duke of Newcastle. *Has little to add to his letter of 25th Sept. last, but what would appear a repetition of it. Continues:—*No sooner was I arrived this year at St. Johns but I received a petition from the Justices of the Peace of that district, setting forth the many obstructions they still meet with in their office. Finding this to be the

1731. [319]

general complaint of all those majestates in this Island, in several parts of which they are in a manner already rendered useless, *transmits copy*, with the orders I issued on that occasion *etc.* With humble submission I presume by that, it will appear to your Grace that the fishing Admirals, influenced by the rest of the masters of the fishing ships, are the oposers of all the steps that have been taken, and tho' I have only reprov'd them for it; yet I cant help saying they upon all occasions behave themselves very dissrespectfully, and in our absence treat H.M. authority and power with great contempt, and some of them does not scruple to say, that it is their interest to oppose any form of Government whatever here, that is not established by Parliament, and the reason is, by the Fishing Act, they believe the administration of all affairs is in them, and that they have thereby an unlimited power to do whatever they please, and make use of it to serve any fraudulent purpose in their private ways of trade, a great many of which, they could not so well do, as while the power is in their hands; these are the arguments they make use of, and the real motives of their dissentions *etc.* I have since with the humblest submission to H.M. pleasure resined the Government to Capt. Clinton, and made him acquainted with all the steps I have taken *etc.* *Signed*, Hen. Osborn. *Endorsed*, R. 9th Sept. 3 $\frac{3}{4}$ pp. *Enclosed*,

319. i. Proclamation by Governor Osborn. St. Johns, 12th June, 1731. Whereas it has been represented to me, that some troublesome ill designing people, who through private and corrupt views, have endeavoured to disturbe the minds of H.M. orderly and well disposed subjects, very much tending to the subversion of all good order and government *etc.*, by throwing scandalous, and seditious reflections upon H.M. authority and power, and particularly touching those Commissions granted by him for the better rule and government of Newfoundland, under false interpreting of the powers granted to the Admirals *etc.*, and have been very industrious to diminish the power and authority of H.M. Justices *etc.*, *requires* all and singular H.M. subjects to behave themselves with all due respect and obedience to H.M. Civil Government, and the Majestates thereof *etc.*, and all Justices strictly to execute the laws on such who shall show any contempt to their power and authority *etc.* *Signed*, Hen. Osborn. *Copy*. 3 $\frac{1}{4}$ pp.

319. ii. Messrs. Weston and Southmayd to Governor Osborn. St. Johns, 10th June, 1731. We have endeavoured to execute the powers granted us as Justices of the Peace, and have lived very quiet and orderly till the arrival of the Fishing Admirals and other masters of ships in the several harbours *etc.*, *who* have very much

1731. [319. ii]

contemned, abused and slighted our authority, and that authority from which we received it, and extend the powers given them by the Act of Parliament to all acts of Civil Government, and proceed therein in a very arbeterry manner, insomuch that they have even presumed to create Constables, and issue warrants to those appointed by us in our Quarter Sessions, to the creating great confusion in those officers *etc.* *Pray for a full explanation of said Act etc. Signed, Wm. Weston, A. Southmayd. Copy. 2½ pp. [C.O. 194, 24. Nos. 19, 19 i., ii.]*

July 26.
Boston.

320. Governor Belcher to the Council of Trade and Plantations. *Begins as preceding. Concludes:* I inclose your Lordships the Journal of the House of Representatives to this day *etc.* and a copy of my 36th Instruction, where your Lordships will observe, H.M. is not pleas'd to esteem my being in the Massachusetts an absence from New Hampshire. Nor was it ever thought so in the administrations of my predecessors *etc.* I therefore hope your Lordships will by no means countenance any such confusion in the King's Government. I have been a long time expecting the royal mandamus's for Mr. Waldron and Mr. Gambling to be of H.M. Council in New Hampshire *etc.* I now take leave to mention the making out a mandamus to Ephraim Dennet to be one of H.M. Council for New Hampshire. He is a worthy Gentn. and everyway qualified *etc.*, and has taken care to pay the charge of his mandamus, and the Council there is very thin at present. *Signed, J. Belcher. Endorsed, Reed. 28th Sept., Read 19th Oct., 1731. 3 pp. Enclosed,*

320. i. H.M. 36th Instruction to Jonathan Belcher, Governor of New Hampshire. *Copy. 1 p. [C.O. 5, 873. ff. 197-198, 199, 200v.]*

July 26.
Boston.

321. Governor Belcher to the Duke of Newcastle. *Refers to* letter of 12 and 13th respecting Col. Dunbar. *Continues:*—That gentleman seems to be in a perpetual ferment, and gives me a great deal of unnecessary uneasiness, and I have reason to believe is continually writing against me to the Board of Trade *etc.* *Asks that* nothing may be done to his prejudice till he has been served with copies for his answer *etc.*, and that Lt. Gov. Dunbar may be replaced by Mr. Sherburne. *Continues:*—I have constantly transmitted the proceedings of the Assembly of this Province which has been sitting ever since 26th May past, from which time there has not been a shilling in the publick Treasury, for the support of the King's Government and for the preservation and protection of H.M. good subjects in this Province, nor will the Assembly make any supply of money to the Treasury, unless it be in such a manner as the King in his royal Instructions to me sayes is expressly

1731. [321]

contrary to the tenour of the Charter *etc.* I am, may it please your Grace, much concerned what will become of H.M. Province of the Massachusetts Bay, and earnestly desire the King's special direction with respect to the supply of the Treasury, for if the Assembly will not grant any money but in a manner contrary to the King's orders to me, the Government will be lost and the inhabitants great sufferers *etc.* Signed, J. Belcher. 2 pp. *Enclosed,*

321. 1. The Boston Gazette, Number 602, July 5—12, 1731, contains an extract from a letter from London upon the debate in the House of Lords on the bill passed in the Commons for discouraging woollen, linnen and iron manufactures in the Colonies. Printed. 2 pp. [C.O. 5, 898. Nos. 92, 92 i.]

July 27.
Whitehall.

322. Order of Committee of Council. Referring following to the Council of Trade and Plantations, "who are to examine into the allegations thereof, and consider what sum will be sufficient to be raised for the support of H.M. Governor of Barbados with dignity, in addition to the salary of 2000*l.* allowed from hence, and to the known perquisites arising to the Governor of that Island, the amount of which, the said Lords Commissioners are to inform themselves of, and to report with all convenient speed," *etc.* Signed, Ja. Vernon. Endorsed, Recd., Read 28th July, 1731. 1½ pp. *Enclosed,*

322. 1. Petition of several Merchants, Planters and others interested in and trading to Barbados to the King. *Recount* former regulations of Governor's salaries. By means of the new Instruction and the influence which all Governors must have from the greatness of their power (which private men dont think it prudent or safe to contend with), the present Governor prevailed upon the Assembly to settle on him 6000*l.* sterling pr. annum *etc.* As petitioners have found by experience this additional Instruction tends greatly to the endangering the peace and welfare of the island and to the creating of animositys and divisions amongst the planters and inhabitants *etc.*, and to load their plantations and products with heavy dutys to the great prejudice and almost ruin of their trade. And as petitioners humbly conceive that an ill use hath been made of the power given by this Instruction whereby the inhabitants have been greatly impoverished and also disabled from providing for their necessary defence and security in repairing the fortifications *etc.*, and apprehend that the same ill use may be made again *etc.*, pray that it may be discontinued, *etc.* 26 signatures. Copy. 4¾ pp. [C.O. 28, 22. ff. 59—62, 64v.]

1731.
[July 27]. **323.** Inhabitants of the County of Albemarle in N. Carolina to the Council of Trade and Plantations. Having for many years been planters of tobacco, *etc.* they are now by a law made in Virginia in 1726 prohibited the benefit of carrying the same to Virginia, in order to be shipt of for Great Brittain as formerly accustomed *etc.* The inletts to that part of No. Carolina are not capable of receiving vessels of burthen fitt for the transporting of tobacco to Great Brittain *etc.* Unless this law be repealed, which they conceive to be directly contrary to the Acts of Trade, the sd. inhabitants (being chiefly very poor people) are in danger of being reduced to the extremest poverty, and must either be obliged to quitt their plantations, or fall upon such usefull manufacturys for their necessary cloathing *etc.* as will prevent the sale of considerable quantitys of European goods, and consequently be prejudicial to the trade of Great Brittain. *Endorsed, Recd., Read 27th July, 1731. 1 p. [C.O. 5, 293. ff. 24, 25v.]*

July 27.
Annapolis
Royal. **324.** Governor Philipps to the Duke of Newcastle. *Acknowledges* receipt of H.M. commands for his return home, received 22nd July from Lt. Governor Armstrong. *Continues:* There are many papers of Council and orders and instructions necessary to be transcribed for takeing with me to render a good account of my administration, which shall take up as little time as possible. And it imports me much to be very carefull of delivering up the Government to Lt. Governor Armstrong with the greatest exactness who is turning up every stone and raking into every kennell to find some dirt to bespatter me with in hopes that some may stick, in which I doubt not but he will be disapointed, however he shews his ill will tho' under the greatest obligations of gratitude. I shall go hence in few days by way of Canso to visitt that post, and embark on board H.M. ship on that station, that being probably the speediest course I can take for a passage from hence, the way of New England being more uncertain, *etc.* *Signed, R. Philipps. Endorsed, R. Oct. 7th. 3 pp. [C.O. 217, 39. No. 4.]*

[July 27]. **325.** Mr. Yeamans to the Council of Trade and Plantations. Requests grant of 12 cannon with necessaries for the stone fort erected by the people of Antigua for the defence of H.M. ships and storehouses at English Harbour *etc.* *Set out, A.P.C. III, p. 251. Endorsed, Recd., Read 27th July, 1731. 1 $\frac{3}{4}$ pp. [C.O. 152, 19. ff. 59, 59v., 60v.]*

July 27.
Council
Chambers,
Whitehall. **326.** Mr. Vernon to Mr. Popple. The Lords of the Committee of Councill, having appointed to meet at the Cockpit, on Wednesday the fourth of next month, to consider of the acts lately passed by the Assembly of Massachusetts Bay,

1731. [326]
relating to the settling a salary on the Governor *etc.*, desire some of the Lords Commissioners for Trade and Plantations to attend *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed., Read 28th July, 1731. $\frac{3}{4}$ p. [C.O. 5, 873. ff. 48, 49v.]

July 28. . 327. H.M. Warrant to John Rollos for engraving a new
Hampton silver seal for New Jersey *etc.* *Countersigned*, Holles Newcastle.
Court. [C.O. 324, 36. p. 281.]

July 28. 328. Council of Trade and Plantations to Governor Hunter.
Whitehall. *Acknowledge* letters of 19th, 7th Nov., and 24th Dec., 1730, 23rd Jan., 11th Feb. and 2nd and 21st April last. *Continues* :—
We are very glad to find you have set so good an example to the Spaniards in the care you have taken of their persons mony and effects on board the Spanish man of war stranded on Pedro shoals ; we hope they will thereby be induced to shew equal justice and humanity, should any of our ships suffer the like calamity on or near their coast. As to the affair of the rebellious negroes, of which almost all your letters make mention, we are surpriz'd to find that the parties sent out against them should have miscarried, and that expeditions of that consequence should have been entrusted to the conduct of unexperienced commanders, because every defeat of those sent out against the negroes, must naturally give their encouragement by teaching them to feel their own strength ; and the arresting the commander of the other party upon a trivial debt, and thereby putting a stop to the expedition, seems to be an infatuation in the people, if there is really so much danger to be apprehended from the runaway negroes, as you have represented to us. Upon this occasion we can't help mentioning to you, the former custom used in Jamaica of employing the Musketoe Indians in the pursuit of your rebellious negroes, and we are at a loss to know why they have not lately been employed upon the like occasion, unless it be for the reason of which we have lately been informed, that the people of Jamaica sent them away dissatisfyed the last time they were in their service. We find by former books in our Office, that the Musketoe Indians, upon the death of their King's always presented their new chosen one, to the Governor of Jamaica, for his approbation, as a mark of their dependance on the Crown of Great Britain, but if our information is true, and the Musketoës are really discontented, it may be a means of losing their friendship. We therefore desire you will give us a distinct account of this matter. We have constantly from time to time, laid before His Majesty, such accounts as you have sent to us of the state of your island with respect to the negroes in rebellion, which was the occasion of sending the two regimts. now with you ; We hope that so long as they shall be found necessary to continue at Jamaica, the Assembly will provide

1731. [328]

for them, and give them all reasonable accomodation. But we are sorry to find by some late accounts from your parts, that both officers and soldiers are in general in a bad state of health. We have lately laid before H.M. a state of Jamaica with respect to the runaway negroes and to the utility of the two regiments there, and so soon as we shall know H.M. pleasure concerning the same, you may expect to hear again from us upon this head. However we must observe, that by the Assemblie's having made provision for the said regiments but for six months, it would seem they did not think the stay of these regiments of any consequence to the island. We find by your letter of the 21st of April last that your new Assembly was to meet the 4th of May following, and we hope they will shew a better disposition, and will more readily concur in measures for the advantage of the island than their predecessors. We have not yet had time throughly to form any judgment upon the last acts you have sent us, but we apprehend some of them will be liable to objections: the merchants of London, Bristol and Liverpool have already petitioned agst. that for laying a duty on negroes, and we can't help observing that you did very wrong to give your consent to any act for laying an imposition of 100*l.* a head on each convict imported for as it must in consequence take away the effect of the law of this Kingdom for the transportation of felons; it was directly against your instructions. We are likewise surpriz'd at your having pass'd the act for repealing the Protestant act, which has been confirmed by H.M., and that at your request: you have not omitted any sollicitation in behalf of it, by your agent and freinds; you have represented it to us as an act wherein the welfare of Jamaica was highly concern'd, and upon this account we were induc'd to propose its confirmation, and one of the next laws you give your consent to, is to repeal it. If the Protestant act is of so much consequence to the welfare of Jamaica, we can by no means give our consent to the annulling of it. [C.O. 138, 17. pp. 330–335.]

July 28. **329.** Mr. Popple to Mr. Fane. Enclases, for his opinion
Whitehall. in point of law, act of Antigua, 1731, *to enable Robert Oliver to make good the title of certain lands by him sold to the Hon. Edward Byam, Lt. Govr. etc.* [C.O. 153, 15. p. 110.]

July 28. **330.** *Same to same.* Enclases draft of a bond, for
Whitehall. observation of Acts of Trade and Navigation, in the form transmitted to the Treasury in March, 1727, for Benedict Leonard Calvert, to be now entered into for Samuel Ogle, nominated Lt.-Governor of Maryland, *and enquires* whether any alteration is necessary on account of any Act of Parliament since 1726. [C.O. 5, 1294. p. 33.]

1731.

July 28.

Squirrel,
St. John's.

331. Capt. Osborn to [? *Mr. Popple*]. *Has little* to add but what would appear a repetition of his former accounts *etc.* *Continues* :—No sooner was I arrived this year at St. Johns but I received a petition from the Justices of the Peace of that district, setting forth the many obstructions they still meet with in their office ; and since, finding this to be the general complaint of all those magistrates in this Island, in several parts of which they are in a manner rendered useless, I have taken the liberty to transmit their Lordps. a coppie of the same, together with the order I issued on that occasion *etc.* *Continues* : I presume it will appear to their Lordps., that the Fishing Admirals influenced by the rest of the masters of the fishing ships, are the opposers of all the steps that have been taking, and tho' I have only reproved them for it, yet I can't help saying they upon all occasions behave themselves very disrespectfully, and in our absence treat H.M. authority and power with great contempt, and some of them do not scruple to say, that it is their interest to oppose any form of Government whatever (here) that is not established by Parliament, and the reason is, by the Fishery act they believe the administration of all affairs is in them, and that they have thereby an unlimited power to do whatever they please, and make use of it to serve any fraudulent purpose in their private way of trade, a great many of which they could not so well do, as while the power is in their hands. These are the arguments they make use of, and the real motives of their dissentions, and the most material affair I have to recommend to their Lordps.' consideration. The consiquence of these disorders I conseve is now grown so notorious that offenders escape with impunity, and of what consiquence it may be of to the trade, at a time when it is manifest those offenders must increase, I can't say, since it is now become a practice of the masters of ships, to bring over here transported fellows instead of Irish servants ; an unhappy instance of the villains that are here already happened laitley at Muskitta, in Conseption Bay, where a wouman and four children (being all in the house who could speak) were in a most barbarous manner murdered in one night, and the committers of the fact not yet found out. I have occasioned one man to be taken up on suspition, but it's so slender, that if stronger does not appear against him he must be released. I have since with the humblest submission to H.M. pleasure resined the government to Capt. Clinton, and given him as good an insite as possib'le I can, into the nature of affairs *etc.* *Has done* his utmost *etc.* *Signed,* Hen. Osborn. *Endorsed,* Recd. 8th Sept., 1731, Read 9th March, 1731½. 4 pp. *Enclosed,*

331. i. Justices of St. Johns to Governor Osborn. 10th June, 1731. Have endeavoured to preserve peace in the island, and "lived very quiet and orderly till the arrival of the Fishing Admirals and other masters

1731. [331. i]

of ships in the several harbours" *etc.* *Continue* : They since their arrival have very much contemned, abused, and slighted our authority and that authority from which we received it, and extend the powers given them by the Act of Parliament *etc.*, and proceed therein in a very arbitrary manner, in somuch that they have even presumed to create Constables and also issue warrants to those appointed by us in our Quarter Sessions to the createing great confusion in those officers *etc.* Whereas they never attempted anything like this before this Commission was established, we humbly conceive there power is limited to the hearing and determining the rights and properties of fishing rooms and such matters and things as relate to the Fishery. We therefore humbly desire to represent to your Excellency the affront and dishonour done to H.M. by disputing the validity of his Commission, the stop and interruption put to the administration of publick Justice, and the contempt and scorn shown both to us and our authority *etc.* *Pray for a full explanation of the Act of Parliament etc.* Cannot any longer sustain their office, unless a public sanction be given to their proceedings, and a stop put to the illegal practices of the Admirals *etc.* *Signed*, Wm. Weston, A. Southmayd. *Endorsed as preceding. Copy. 2½ pp.*

331. ii. Proclamation by Governor Osborn. St. Johns. 12th June, 1731. Whereas it has been represented to me, that some troublesome, ill-designing people, who through private and corrupt views have endeavour'd to disturbe the minds of H.M. orderly and well-disposed subjects *etc.*, very much tending to the subversion of all good order and Government *etc.*, by throwing scandalous and seditious reflections upon H.M. authority and power, and particularly touching those commissions granted by Him for the better government of Newfoundland, under false interpreting the power granted to Admirals by the Act of Parliament *etc.* ; and have been very industrious to deminish the power and authority of H.M. Justices *etc.*, these are therefore strictly to require all and singular H.M. subjects *etc.* to behave themselves with all due respect and obedience to the Civil Government and the majestates thereof *etc.*, as they would to those of the same power and authority in Great Brittain ; and to be aiding and assisting to them in keeping the peace *etc.*, as you will answer the contrary at your peril *etc.* *Concludes* : And furthermore I do will and require all H.M. Justices of the Peace, strictly to execute the

1731. [331. ii]

laws on such who shall show any contempt to their authority or power ; or in any wise transgress against the laws of England *etc.* *Signed*, Hen. Osborn. *Same endorsement.* *Copy.* 3 pp. [C.O. 194, 9. ff. 131-132v., 133v.-137v.]

July 29.
Salisbury
at
St. Johns.

332. Governor Clinton to the Duke of Newcastle. This is the first opportunity I have had since my arrival, which was the 30th of June, of acquainting your Grace of it ; and of my giving publick notice in the several ports of my Government, such a part of the order, as your Grace was pleased to send me, as concerns H.M. subjects, whose ships or effects shall be pyratically taken. I shall sail for Placentia to-morrow, if the wind permits, to see the condition of that place, and as I find it shall make an exact report of it to your Grace, and beg the honour of your Grace's favour, and protection, in governing this sett of people, which will be a very difficult task by what Capt. Osborn tells me, and I find by some few complaints I have already received of the Admirals' obstructing the Justices in the civil power ; but shall take particular care of making up all differences, as far as I am capable, and to be as little troublesome as possible to your Grace. *Signed*, Geo. Clinton. *Endorsed*, Reed., R. 9th Sept. 2 pp. [C.O. 194, 24. No. 20.]

July 29.
Salisbury,
St. Johns.

333. Governor Clinton to [? Mr. Popple]. *Announces* his arrival on 30th June. *Continues* :—Nothing material has happened since. The most cruel and barbarous murder that has been committed at Muskitta, I leave to Capt. Osborn to give an account of *etc.*, but have made all the enquiry since, I have been capable of, to no purpose *etc.* I design sailing for Placentia to-morrow *etc.*, and in my way back to call in at Capling Bay, to decide what disputes may happen at Ferryland (if it's possible). For by what Capt. Osborn has been so good to acquaint me with, and let me into, I think it will be a very difficult task, by the obstructions the Justices and the civil power meet with from the Admirals, by their taking upon them much more privilege than the Act directs *etc.* *Refers to enclosure.* *Continues* : That Joel Davies was a vain silly fellow, and had no ship, which with humble submission to their Lordps. made it worse, but he is since dead. I shall just give a small account of the Fishery as it stands at present, being not very skillful of their affairs as yet *etc.* We have great quantities of Bank fish this year, even greater than has been known for these three years last past, but the boat fishing is very bad, everybody complaining, and I am afraid will break several young beginners, there being several new flakes and stages built ; what there is I beleive will turn out very good *etc.*, by the fair weather there has been this month to make it in. The price is not broke yet,

1731. [333]

but it's guess'd about 28 reals the quintal *etc.* *Signed*, Geo. Clinton. *Endorsed*, Reed. 8th Sept., 1731, Read 9th March, 173 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. *Enclosed*,

333. i. Warrant by following, "deputed by Capt. Samuel Thurman, Chief Admiral, and Capt. John Field, Vice Admiral, to see justice done in their absence" *etc.*, to John Goss for the arrest of John Johns, who has not paid his passage from Bristol and has privily forsaken his master's service *etc.* *Dated*, at the Admiralty Office in Muskitto, 31st May, 1731. *Signed*, Joel Davis, Depty. Admiral, R. Brown, Rear Adll. *Endorsed*, Reed. with Commadore Clinton's letter of 29th July, 8th Sept., 1731, Read 9th March, 173 $\frac{1}{2}$. $\frac{2}{3}$ p.

333. ii. Order by Governor Clinton. St. John's. 12th July, 1731. Whereas I find by *preceding* warrant, you have assumed an authority of impowering people to see justice (as you call it) done in your absence; I can impute it to nothing but your ignorance *etc.*, of what power the Act does give you, and to the pride of that Joel Davis, who I suppose, (by the character I have had of him) has put you upon this peice of folly. I have kept it to shew the Lords Commissioners of Trade, the insolence of your behaviour. These are therefore strictly ordering you to recall all such power as you have presum'd to give *etc.* *Signed*, Geo. Clinton. *Endorsed as preceding*. *Copy*. $\frac{3}{4}$ p. [C.O. 194, 9. ff. 126, 126v., 127v.-129v.]

July 29.
London.

334. J. Belcher, jr., to the Duke of Newcastle. Petitions that the vote of the Massachusetts Assembly of June 8, 1731, may receive H.M. approbation, on the grounds urged by Governor Belcher *etc.* *Signed*, Jona. Belcher junr. 3 pp. [C.O. 5, 898. No. 91.]

July 31.
Councill
Office,
Whitehall.

335. Mr. Sharpe to the Duke of Newcastle. This waits on your Grace, pursuant to your directions, to remind your Grace, that the Acts passed by the Assembly of Massachusetts Bay, for settling a salary on Governor Belcher, are to be considered at the Committee of Councill, appointed to meet at the Cockpit on Wednesday next the fourth of August, at eleven o'clock in the morning. *Signed*, Will. Sharpe. 1 p. [C.O. 5, 36. f. 16.]

Aug. 1.
Grendon.

336. Governor Chetwynd to Mr. Wheelock. *Reply to 28th July*. "As I am three days journey from town, and in the midst of settling my affairs for my going" *etc.*, *proposes* to attend the Board on 17th. *Signed*, Walt. Chetwynd. *Endorsed*, Reed. 4th, Read 5th Aug., 1731. *Seal*. *Postmark*. *Addressed*, *Holograph*. 1 p. [C.O. 28, 22. ff. 65, 66v.]

1731.

Aug. 2.
Philla-
delphia.

337. Lt. Governor Gordon to the Council of Trade and Plantations. In obedience to their directions of 8th Sept., delivered to him by Mr. Browne 29th April, *encloses* his answer to that gentleman's complaint against him, which will leave them no room to believe that he has furnished just cause for such an accusation. *Continues*: I have punctually obey'd your Lordships' directions in giving copies to Mr. Browne of all the proofs adduced on my part, and lest it might be thought that my presence at the examination should have any influence to the prejudice of Mr. Browne *etc.*, I declined being present *etc.* *Continues*: Mr. Browne, who now resides in the neighbouring Government of Jersey, and follows the practice of an Attorney there, applied to me lately to have the oaths to his present Majesty tendred to him that he might thereby be enabled to act by virtue of a Commission from his late Majesty to him as Judge of the Admiralty which he has never yet gott renewed *etc.* *Encloses* his reply, lest Mr. Browne should misrepresent him. *Signed*, P. Gordon. *Endorsed*, Recd. 28th Sept., 1731, Read 3rd May, 1732. $1\frac{1}{2}$ pp. *Enclosed*,

337. i. Lt. Governor Gordon to Mr. Browne. Philadia. 17th July, 1731. In reply to following, does not think that he ought to countenance his acting as Judge of the Admiralty, he having neglected to qualify himself by taking the oaths to his present Majesty, as did all other officers in the Government upon the demise of the late King, and although he had an opportunity of renewing his Commission in England, having returned without credentials. Besides the enquiries by Mr. Secretary Burchet, 25th March, 1729, as to the Vice-Admiralty Court there, whilst Mr. Browne was in England, seem to indicate that the Lords Commrs. did not intend to direct a new Commission to him *etc.* Does not see how he can pretend to hold a Court, the Register declining to act under him, for reasons best known to himself, and no Marshal or Advocate having been appointed from home. But as he has a complaint against the Lt. Governor depending against him, he will await its determination before interesting himself in his officiating as Judge of the Vice Admiralty Court *etc.* *Signed*, P. Gordon. *Copy.* 2 pp.

337. ii. T. Browne to Lt. Governor Gordon. Philadelphia, 15th July, 1731. "Mr. Charles as your honour's Secretary denying me to be at present Judge of the Admiralty, by stiling me in several papers late Judge," *informs him* that he has obtained his commission from Mr. Miranda and requests to be tendered the oaths to his present Majesty *etc.* By H.M. Proclamation all commissions of his late Majesty are kept in force

1731. [337. ii]

till superseded. Was unwilling to be at the expense of renewing his, till his complaints of the hardships he has so long laboured under were removed, being determined to give it up, if they are not remedied upon the hearing of their case. Requests dispatch, as there are applications being made to the Court of Vice-Admiralty. *Signed, Browne. Copy. 1 p. Enclosed, Originals sent to the Committee of Council with Representation of 5th May, 1732. [C.O. 5, 1268. ff. 75-76v., 78, 79v.]*

Aug. 2.
Hampton
Court.

338. Minutes of [Committee of] Privy Council. The report of the Board of Trade, relating to the two Regiments at Jamaica was read; the Lords being humbly of opinion that this consideration, with relation to the sending away those Regiments from thence, depends, in a great measure, upon the strength and force of the Independant Companies remaining there, and the probability of success of the methods proposed by the Board of Trade for settling such of the soldiers as shall be willing to remain in the Island, their Lordps. would humbly propose that this matter should be referred to the Board of Trade to explain in what manner that may be done and what particular encouragement should be given to the soldiers to settle there. The Lords observing by Mr. Keen's letters that the Govrs. of St. Domingo and Porto Rico were removed and sent for home to answer to complaints, and that the strictest orders were sending to the Spanish Governors in the West Indies to prevent depredations, their Lordps. humbly conceive that it is unnecessary to send any new directions to R. Admiral Stewart upon that head. The report of the Advocate, the Attorney and the Solicitor General upon Mr. Bonham's petition, was read; their Lops. think that a particular letter should be wrote to Mr. Keene upon it, and upon the petition of Story King; and that Mr. Bonham should be told, that it being not clear by *above* reports that he is intitled to reprizals, and the situation of affairs at the Court of Spain being now altered very much in our favour, H.M. would order one further demand of satisfaction to be made of that Court. *Minutes concerning Portugal. 3 pp. [C.O. 5, 36. ff. 18-19; and 20-21; and (original draft) 22-23.]*

Aug. 2.
New
Providence.

339. Governor Rogers to the Council of Trade and Plantations. *Encloses* trial and appeal of Mr. Colebrooke (v. 10th June), and refers to his agent for answer to any complaints by him, till he is apprized what particular grievances are laid before the Board *etc.* *Continues* :—As there are several proposals proper to be made to your Lordships for the service of these islands, in order to confirm the precarious titles of land to the possessors, and to encourage planters to settle here,

1731. [339]

and to procure proper laws to be made for the advantage of the Colony, I shall represent the same to your honourable Board with a particular account of the present state and condition of these islands, by a person who will be instructed to attend on you, and to give your Lordships an answer to your queries *etc.* *Continues* :—I can yet procure no assistance from the inhabitants towards the fortifications, tho' I have, without any help from them, built a good barrack for the garrison in the fort, and have made upwards of twenty new carriages for guns of this country timber, and shall continue to do all I can towards the fortifications as soon as the heat of the summer is over that I can put the garrison to work again without endangering their healths. And as soon as possible will try what I can do in a new Assembly tho' I fear little publick good is to be expected from them if Mr. Colebrooke and his accomplices here can have any influence to prevent the people's working, they being too poor to contribute anything worth collecting in money. I beg your Lordships' protection against whatever is pretended to my disadvantage here till I can reply, and fully inform your Lordships of my real state and the circumstances of this poor colony, being to the utmost of my power devoted to H.M. service *etc.* *Signed*, Woodes Rogers. *Endorsed*, Recd. 26th Nov., 1731. 1 $\frac{3}{4}$ pp. [C.O. 23, 3. ff. 87, 87v., 93v. ; and (abstract) 88.]

Aug. 3.

340. Mr. Fane to the Council of Trade and Plantations. *Report upon 4 acts of Jamaica.* (i) There is a clause in the act *for raising money* laying a duty of 100*l.* a head upon all convicts imported into Jamaica except such slaves as are ordered transportation by two Justices of Peace and three Freeholders for misdemeanours. The intention of which clause seems to be to take away the force of a law passed here in the fourth year of the late King which extended to all the Plantations for the further preventing robbery, burglary and other felonys and for the more effectual transportation of felons. For the duty laid by this act upon the importer is so excessive that it will amount to a totall prohibition of importing any felon into Jamaica which the Judges and Justices here are impowered by the said act to direct *etc.* An attempt of this kind was made in Virginia in 1722 by an act amending an act concerning servants and slaves *etc.*, which act *etc.* was repealed. This act is lyable to the same objections and therefore I must submit *etc.*, whether it is fit to be passed, 1st as it is making ineffectual a law passed here of great importance, to the property of the subjects of this Kingdom, secondly as it is destructive of the duty and regard which this island ought to shew to her Mother-Country *etc.* There is also by this law a very high duty laid upon the importation and exportation of negroes ; a practice in other Colonies much discountenanced by your Lordships, as it is

1731. [340]

passed in breach of the Governour's Instructions and highly detrimental to the Trade and Navigation of this Kingdom *etc.* Has no objection to the other three laws, *for raising several sums etc.*; *for raising a tax by the poll etc.* and the Deficiency Act. *Signed*, Fran. Fane. *Endorsed*, Recd. 3rd, Read 11th Aug., 1731. 2 pp. [C.O. 137, 19. ff. 94, 94v., 97v.]

Aug. 3. **341.** Mr. Fane to the Council of Trade and Plantations. Approves of draft of bond for Governor Ogle *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 3rd, Read 11th Aug., 1731. $\frac{3}{4}$ p. *Memd.* The draft mentioned was ye same with that transmitted to Mr. Scrope 2nd March, 172 $\frac{1}{2}$ for Mr. Calvert. [C.O. 5, 1268. ff. 15, 16v.]

Aug. 3. **342.** Duke of Newcastle to the Council of Trade and
Hampton Plantations. *Encloses* following petition for their opinion
Court. thereupon. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read
10th Aug. 1731. 1 $\frac{1}{2}$ pp. *Enclosed*,

342. i. Petition of Sir Wm. Keith, Bart., and others to the King. Whereas yor. Majesties Dominions on the North Continent of America, have not yet been settled to the westward of the great ridge of mountains behind Virginia, whereby those vacant lands are daily liable to be occupied by foreigners under the gift or title of some other State. And whereas yor. Majesties humble petitioners, by their credit with the Indian Nations of America, that are in freindship with the English, and their correspondence with many substantial industrious people of the protestant Cantons in Switzerland, and other parts of Germany, are capable, with proper encouragement, to bring over some thousands of families to settle on lands behind the said Virginia mountains; and to submit themselves to an English Government, under the dominion of yor. Majesty *etc.* *Pray* for a grant, under a proper form of government, of a tract of land to the westward of the said mountains, not inhabited at present by any human creature (and wch. is described in a small map of that country hereunto annex'd) to be called the Province of Georgia *etc.* *Signed*, W. Keith, Thomas Gould, John Ochs, Jacob Stanber, Ezekiel Harlan. *Endorsed as preceding.* 1 p. [C.O. 5, 1322. ff. 166, 166v., 167-168v.]

Aug. 3. **343.** Duke of Newcastle to the Council of Trade and
Hampton Plantations. I have laid before the King your Lordships'
Court. report concerning the use or necessity of continuing at Jamaica the two Regiments *etc.* It is H.M. pleasure that you should explain more particularly your opinion, in what manner the

1731. [343]

several matters proposed may best be put in execution, and what sort of encouragement would be proper to be offered to the soldiers to settle there, and how it should be given them. *Signed*, Holles Newcastle. *Endorsed*, Reed. 5th, Read 10th Aug., 1731. 1 p. [C.O. 137, 19. ff. 77, 81v.]

Aug. 3.
Whitehall.

344. Mr. Wheelock to Mr. Delafaye. Acquaints him that, on the request of Mr. Sharpe attending on his behalf as Agent of Jamaica, in regard of his receiving too short notice for offering his reasons in support of the Act laying duties on negroes *etc.*, the Board has appointed "to-morrow sevnight the 11th inst. at eleven o'clock for hearing petitioners" *etc.* [C.O. 138, 17. pp. 335, 336.]

Aug. 4.
Whitehall.

345. Order of Committee of Privy Council. Referring to the Council of Trade and Plantations for their report "on Wednesday next, at eleven o'clock in the forenoon." If they think H.M. may grant the petitioner's request, they are to prepare a draught of an Instruction to Govr. Belcher *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed., Read 5th Aug., 1731. 1 p. *Enclosed*,

345. i. Memorial of Jonathan Belcher, jr., on behalf of Governor Belcher, to the Lords Committee of the Privy Council. Prays that Governor Belcher may have leave to assent to a bill passed by the Council and Assembly of the Massachusetts Bay for paying him his salary to May, 1732 *etc.* *Signed*, Jonathan Belcher, jr. *Copy.* 2 pp.

345. ii. Duplicate of June 12 encl. i. *Act.* [C.O. 5, 873. ff. 64, 65-66, 69v.]

[Aug. 5.]
Mercht.
Taylors Hall,
Munday
morn.

346. George North to Mr. Popple. In reply to his letter, states that the planters who signed the petition (27th July) and many of the merchants, are out of town. Will attend the Board himself, if the Court of the Merchant Taylors Compa. rises by 12 *etc.* *Signed*, Geo. North. *Endorsed*, Reed., Read 5th Aug., 1731. *Addressed.* $\frac{1}{2}$ p.. [C.O. 28, 22. ff. 67, 68v.]

Aug. 7.
Whitehall.

347. Mr. Wheelock to Mr. Chetwynd. I had the honr. of your letter of the 1st instant which came to me the 4th; and has been laid before my Lords Commissrs., but the 5th having been appointed for hearing the merchants and others concerned in the petition against the continuance of the Instruction I mentioned to you, their Lordships. were in expectation that some of the merchants would have then attended, till Mr. North, Solicitor for the Petrs. acquainted the Board, that several of those Gentlemen were at that time out of town and others indisposed. Whereupon Wednesday the 25th of this month has been further agreed on for hearing what may be offered concerning this affair. [C.O. 29, 15. p. 230.]

1731.

[Aug. 10.] **348.** Major Ayscough, a Member of Council of Jamaica, to [? the *Council of Trade and Plantations*]. If H.M. should be inclinable to break the two Regiments in Jamaica, it will be proper to send instructions to the Governour to settle the men before such reductions on the land which the rebellious negroes were lately possessed of, being 12 miles from Port Antonio, allowing to every family such a number of acres as shall be thought necessary for their subsistence. There are great quantities of provisions now growing in their plantations enough to supply the whole soldiery, till they can provide for themselves, there are likewise fish, fowl and wild hog in plenty. It must likewise be recommended to the Council and Assembly to find them necessaries to encourage them to settle amongst them *etc.* *Proposes* that their wives and families should be sent over at the expense of the Government. *Endorsed*, Recd., Read 10th Augt., 1731. 1 p. [C.O. 137, 19. ff. 78, 80v.]

[Aug. 10.] **349.** Paper showing the disposition of the several companies in Jamaica. *Endorsed*, Recd. (from Major Ayscough), Read 10th Aug., 1731. $\frac{1}{2}$ p. [C.O. 137, 19. ff. 79, 79v.]

Aug. 10.
Whitehall.

350. Council of Trade and Plantations to Committee of Privy Council. In pursuance of order of Aug. 4th, have considered petition of Mr. Belcher jr. *Continue*: Altho' we cannot reflect without concern, upon the obstinacy with wh. ye General Assembly persist in their refusal to settle a fix'd salary upon their Governor for the time being: yet considering that the present Governor must necessarily have been at large expence out of his private fortune since his entrance upon that employmt.: as he has hitherto paid an exact obedience to H.M. commands, by refusing to accept of any salary contrary to the tenour of his Instructions, and as his family must unavoidably be very great sufferers should be left to support ye dignity of his station out of his private fortune; we are therefore humbly of opinion, that for this time only, H.M. may be graciously pleased to permit Governor Belcher to give his assent to ye aforesaid bill, as a particular grace and favour to ye said Governor, and his family, and in consideration of his faithful adherence to H.M. commands, provided nevertheless that this condesention on the part of the Crown, shall not in anywise be drawn into president for the future, nor be in any degree construed to enervate the validity of H.M. former Instructions upon this head, which Mr. Belcher should at ye same time be commanded to inforce, by requiring ye Genl. Assembly to settle his salary for ye future, in such manner as may be most conformable to H.M. royal pleasure. Should yor. Lordships concur with us in this opinion, we conceive that H.M. permission to pass the aforesaid bill may be signify'd to Governor Belcher by ye annexed Instruction, which we have drawn up

1731. [350]

pursuant to yor. Lordships' order, and in conformity to the sentiments we have conceive[d] upon this matter. *Annexed,*

350. i. Draft of H.M. Additional Instruction to Governor Belcher. (*Approved 12th Aug., 1731*). Having strictly adhered to the tenour of his Instructions in refusing to accept any sum from the Assembly upon terms contrary thereto, he is empowered to assent to the bill of 8th June, *for granting 5,400l. for the support of H.M. Governor*, "provided nevertheless, and it We do hereby expressly declare, that it is not Our intention thereby to enervate, or in any wise to invalidate or take from the force of Our 27th Instruction for fixing a settled salary upon Our Governors, *etc.*, and you are hereby required to recommend the same again to the said Assembly in the strongest terms, as the only manner that can be acceptable to us." [*C.O.* 5, 916. *pp.* 426-431.]

Aug. 11.
Whitehall.

- 351.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*
351. i. *Same* to the King. In obedience to H.M. commands of 3rd inst., represent that, Altho' nothing be more evident to us than the necessity and good policy of preserving the force of the said regiments to the island of Jamaica by such a reduction as we had the honour to propose *etc.* (*v.* 15th July), yet it would be extreamly difficult for us who are at so great a distance to enter minutely into the detail of all that may be requisite for the due execution of our proposal, which must necessarily depend upon various circumstances, only to be known with certainty by those who reside at Jamaica, and are personally acquainted with that country. We beg leave however to represent in general to your Majesty, after having discoursed with some gentlemen well acquainted with the scituation and circumstances of Jamaica, that for many years past there hath not been so good an opportunity as this of encreasing the number of white people in Jamaica nor may such another present itself for some time to come. All the encouragements which either your Majesty's Royal Predecessors or the Legislature of Jamaica have at any time proposed for peopling that island, which from its great extent is capable of supporting a multitude of inhabitants, being 150 miles in length and about 60 in breadth, have hitherto been frustrated by the apprehensions entertained of the rebellious negroes, because no way could be found to make such a settlement as should in its infancy be powerful enough to resist their

1731. [351. i]

attempts. It is highly probable therefore, that should your Majesty resolve to disband these regiments, the Council and Assembly of Jamaica will heartily concur in everything that may tend to confirm and improve so great a benefit to their country, by furnishing the soldiers with such utensils and necessaries as may be proper for their establishments : and this may be relied upon with the greater certainty, because the charge arising to the people of Jamaica by fitting out parties to reduce the rebellious negroes is no less at present than 6000*l.* per ann., and the additional subsistence which they contribute towards the support of the two regiments amounts at least to 10,000*l.* *etc.*, all which would be saved for the future by making a right use of this opportunity to encrease the number of their white inhabitants at a moderate expence, by which means they may in time become superior either to their foreign or domestick enemies, and the charge of transporting the soldiers back to Europe will be saved to your Majesty. The only caution that seems requisite in the conduct of this matter is, that the Governor of Jamaica should be instructed not to disband the soldiers, before the Council and Assembly have provided for their establishment, and shall have actually settled them to their satisfaction : and as it appears by accounts we have received from Jamaica, that in the last expedition against the rebellious negroes, they were dispossessed of a considerable tract of land of near a mile square, well planted with provisions situated in a country that abounds with wild hogs, fish and fowl ; this would seem to us to be the properest place for the reception of the soldiers, as well on account of the plenty of provisions so necessary for the support of new-comers, as because a strong settlement in that part of the country would in a short time become a frontier of great security to the rest of the neighbourhood, be a great encouragement to other people to settle near them, and very much straiten the negroes in their present fastnesses, could not fail to incline them to embrace with greater readiness such proposals as may be made for their removal, if it should be found either impracticable or dangerous to attempt to reduce them to your Majesty's obedience in Jamaica, by force, in which case we would most humbly offer agreeable to what we have had the honour already to propose to your Majesty, that the Govr. should be instructed to enter into a treaty with them for their being transported to some one of your Majesty's

1731. [351. i]

uninhabited islands in America. Upon the whole if your Majesty should be pleased to reduce the sd. regiments at Jamaica, after filling up the two Independant Companies there, we humbly conceive that your royal orders should be issued to the Governor for putting the same in execution in such manner as shall be most agreeable to the sentiments of the Council and Assembly there for the security of the said island and for obtaining the ends which your Majesty proposes thereby, it being always understood as aforesaid that the Governor should not disband the soldiers before the Council and Assembly have made an adequate provision for their settlement. And if your Majesty upon disbanding the said regiments or either of them would be graciously pleased to allow the soldiers to keep their arms, it would be a great advantage to the island who we fear have not at present arms enough in their magazines to furnish them. Lastly, as we have been informed that many of the soldiers in these regiments have left their wives and families behind them, we would humbly propose that some of your Majesty's ships of war should be order'd to transport them to Jamaica, either from Gibraltar or elsewhere, by whose means the propos'd settlement will be rendred compleat, and this important island, which from its critical situation in the midst of foreign settlements is of the highest consequence to the trade and welfare of Great Britain, will probably from being very thinly peopled come in time to be well inhabited, which is a point highly essential to the security of your Majesty's Dominions in America, where the French and Spanish settlements daily encrease, as well for preserving the commerce of this Kingdom. [C.O. 138, 17. pp. 336-343.]

[1731]. **352.** Account of the establishment for the two Independent Companies at Jamaica, with a proposal to raise two more companies and to send Lord Rothes's Regiment from Gibraltar to Jamaica. *Without date or signature.* 1½ pp. [C.O. 137, 47. ff. 86, 86v.]

Aug. 11. **353.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Report upon* the right to a tract of land between the Rivers Kennebeck and St. Croix and the petitions of Sir Bibye Lake and others and Samuel Waldo and others *etc.* *State case.* Have heard Agents and Council on behalf of the parties and H.M. Treasury. *Report:* [Whereupon] it appears to us, that all the said tract of lands

1731.

[353]

is granted by the Charter to the inhabitants of the [Massachusetts Bay], and that thereby power is given to the Governor and General Assembly to make grants of lands within the said limits, subject to a provisoe that no such grants should be of any force until H.M. *etc.* should have signified *his* approval *etc.* It appears also by the said Charter that the rights of Governmt. granted to the said Province extend over this tract of land. It doth not appear to us that the inhabitants of the said Province have been guilty of any such neglect or refusal to defend this part of the country as can create a forfeiture of that subordinate right of Government of the same, or of such property in the soil as was granted to them by the said Charter ; it being sworn by several of the affidavits that a fort was erected there and for some time defended at the charge of the Province, and that magistrates and Courts of Justice have been appointed within this district, and that one of the Council of the Province hath always been chosen for this division ; and tho' it is certain that this part of the Province hath not been improved equally with other parts thereof, yet considering the vast extent of countrey granted by this Charter, and the great improvements made in several parts of it, we conceive that will not create a forfeiture, because in such cases it is not to be expected that the whole should be cultivated and improved to the same advantage, and whether there hath been such a neglect or non-user of any part as may amount to a forfeiture must be judged of, not upon the particular circumstances attending that part only, but upon the circumstances of the whole. And if the Province had incurred any forfeiture in the present case, no advantage could be taken thereof but by a legal proceeding by *scire facias* to repeal their Charter, or by inquisition finding such forfeiture. As to the question stated in the case upon the effect of the conquest of this tract of countrey by the French, and the re-conquest thereof by General Nicholson, we conceive that the said tract not having been yielded by the Crown of England to France by any treaty, the conquest thereof by the French created according to the law of Nations only a suspension of the property of the former owners and not an extinguishment of it, and that upon the re-conquest by General Nicholson all the ancient rights both of the province and of private persons, subjects of the Crown of Great Britain, did revive and were restored *jure post liminii*. This rule holds the more strongly in the present case in regard it appears by the affidavits that the Province joined their forces to those which came thither under General Nicholson in this service. For these reasons we are of opinion that the said Charter still remains in force, and that the Crown hath not power to appoint a particular Governour over this part of the Province, or to assign lands to persons desirous to settle there ; nor can the Province grant these lands to private proprietors, without the

1731. [353]

approbation of the Crown according to the Charter. As to the case of the petitioners, who insist upon particular titles in themselves to certain parcels of land lying within the district in question, *etc.*, we find by the deeds *etc.* produced by them, that several of the petitioners and those under whom they claim have had conveyances made to them of several of the said parcels of land, some from the Council of Plimouth, which was constituted by Charter in the reign of James the first and whose grants are confirmed by the Charter of King William and Queen Mary, and others from Indians pretending to be owners thereof, under which grants large sums of money appear by the affidavits to have been laid out in endeavouring to settle and improve the lands therein comprized, several of which sums were expended not many years agoe particularly a sum of 2000*l.* by Sir Bibye Lake in 1714, and other sums by others of the petitioners in 1719 and 1720. And tho' these settlements and improvements have been in great measure interrupted and defeated by frequent wars and incursions of the Indians, yet several of the petitioners or their tenants appear to be still in possession of some parts of the said tract of land. Some objections were made before as to the nature of the grants and conveyances under which the petitioners claimed, and to the manner of deducing down their titles; But we conceive that in questions of this kind concerning rights to lands in the West Indies, and upon enquiries of this nature, the same regularity and exactness is not to be expected as in private suits concerning titles to lands in England, but that in these cases the principal regard ought to be had to the possession, and the expences the partys have been at in endeavouring to settle and cultivate such lands. Therefore upon the whole matter, we are of opinion that the petitioners, their tenants or agents ought not to be disturbed in their possession or interrupted in carrying on their settlements in the lands granted to them within the district in question. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Recd. 14th Aug., Read 1st Sept., 1731. 23½ *pp.* *Enclosed*,

353. i. Case of claim of the Massachusetts Bay to the tract of land referred to in preceding. 2¼ *pp.*

353. ii. Petition of Sr. Bibye Lake to the King, relating to the right to land near R. Kennebeck, where Col. Dunbar has lately made a settlement. *Endorsed*, Recd. 13th May, 1731. *Copy*. 10½ *pp.*

353. iii. Petition of Samuel Waldoe *etc.* to the King, relating to the right to land near R. Penobscot, where Col. Dunbar has recently made a settlement. 13¼ *pp.*

353. iv. Deposition of Jeremiah Dunbar, 7th Jan., 1730 (1731). In January last he travelled, as Depty. Surveyor of H.M. Woods, a great many miles between R. St. Croix and R. Kennebeck, and did not see one

1731.

[353. iv]

house or anything done towards improving and settling the said country, except what was built and done by the several families which went over thither with Col. Dunbar in Oct. 1729 *etc.* *Signed*, Jer. Dunbar. $\frac{2}{3}$ p.

353. v. Deposition of Jeremiah Dunbar, 26th Jan., 1730 (1731). In Jan. last deponent received following paper from Col. Dunbar, and believes that unless the lands between St. Croix and Kennebeck rivers are speedily allotted to them, they will leave *etc.* *Signed*, Jer. Dunbar. $\frac{2}{3}$ p.

353. vi. Petition of settlers on E. side of Kennebeck R. to Col. Dunbar, "Commander and Settler of H.M. Provance of Georgia." Pray him to grant them a township E. of Kennebeck R., to be laid out this fall, that they may make clearings and be ready to plant and build houses in the spring *etc.* 44 *signatures*. $1\frac{1}{4}$ pp.

353. vii. Deposition of Thomas Coram. Jan. 7th 173 $\frac{1}{2}$. Narrates history of the fort at Pemaquid *etc.* and the taking and retaking of that tract of land v. C.S.P. *supra*. 3 pp. *Signed*, Thomas Coram. 3 pp.

353. viii. Deposition of Sir Bibye Lake. 4th Feb., 173 $\frac{1}{2}$. Succeeding with Josiah Walcott and Col. Hutchinson to the lands (*described*) purchased of the Indians, E. of Kennebeck river by Major Thomas Clark and Capt. Thomas Lake, they, in 1714, sent over John Watts to settle 100 families there. Deponent advanced 2000*l.* to Watts for that purpose, who died after building several houses and settling upwards of 20 families there. Mr. Penhallow, marrying his widow, looked over the said settlements in the best manner he could till the Indians destroyed them in 1720, except a house or fortification made by Mr. Watts, being repulsed after many attempts to destroy it. This house, together with some others defended by it, is now standing. $11\frac{1}{4}$ pp.

353. ix. Deposition of James Alford, late of Boston but now of London, merchant, Ebenezer Wentworth of Portsmouth, N.H., now in London, and William Wentworth, ditto, shipwright. The French never made any settlement or improvements on the land between Kennebeck river and Nova Scotia. Alford, who was born in Boston and lived there for 30 years till 1728, says there was constantly chosen every year one Councillor for Sagadahock *etc.* It was owing to the constant wars with the Indians that the Eastern parts of Massachusetts Bay are not settled, *etc.* *Signed*, James Alford, Eben. Wentworth, William Wentworth. $1\frac{1}{3}$ pp.

1731.

353. x. Deposition of John Blower, Capt. of one of H.M. Independent Companies at Plymouth, James Erskine, Lt. in Col. Phillips' regiment, and James Alvord (*v. No. ix*). 13th Jan., 173^o. Four regiments raised in New England, but principally by the Massachusetts Bay, took part in the expedition against Port Royal in 1710 *etc.* *Signed*, John Blower, James Erskine, James Alford. 1 *p.*
353. xi. Deposition of Joshua Winslow, of Boston merchant, now residing in London, 21st July, 1731. Deponent accompanied Governor Shute, 1718, into the eastern parts of N.E., to ratify a peace with the Indians at Arrowsick I. He saw there about 40 very good houses, inhabited by English families, one of which was a very strong fortified and walled brick house planted with cannon, in which were placed soldiers commanded by a Captain in the pay of the Province. He understood that all the said families held the same under some grant from Sir Bibye Lake and Col. Edwd. Hutchinson and Joshua Winslow. 2 $\frac{1}{2}$ *pp.*
353. xii. Deposition of Samuel Penhallow, late of N.H., merchant, and now residing in London. 22nd July, 1731. *Confirms Nos. viii and xi.* In 1718 deponent visited his brother, Capt. John Penhallow at the town of Augusta, *als.* Smallpoint, who was Justice of Peace and commanded the fort of the said town, and went with him about 7 miles by land to the river Kennebeck which they crossed to Arrowsick Island, where they went to a well fortified brick house then in the possession of Eliza Watts, widow, and did also view the town (called George Town) there, consisting of about 40 very good dwelling houses some of which were garrisoned. Capt. John Penhallow has since married the Widow Watts and commanded the said fortified brick house, wherein were placed a number of soldiers under the pay of the Massachusetts Bay. Deponent saw some cattle there belonging to the inhabitants, who held under a grant from Sir B. Lake *etc.* *Signed*, Samuel Penhallow. 3 $\frac{3}{4}$ *pp.*
353. xiii. Deposition of William Clarke of Boston, Gentleman, now residing in London. 20th July, 1731. Deponent accompanied Lt. Gov. Dummer in 1726 into the Eastern part of N.E., when he went to ratify a peace with the Indians *etc.* At Arrowsick I. he saw about 20 very good dwelling houses, inhabited by English families) *etc.* *Corroborates preceding.* He saw the ruins of a great number of houses in George Town, destroyed by the Indians in the last war. Deponent also visited a place called Richmond, N. of Arrowsick I., on the

1731. [353. xiii]

River Kennebeck, where he saw a large fort or garrison house fortified with 10 cannon and a number of English or New England soldiers commanded by Capt. Joseph Heath in the pay of the Massachusetts Bay. *Signed*, William Clarke. $3\frac{1}{2}$ pp.

353. xiv. Deposition of Ebenezer and William Wentworth (*v. No. ix*). 26th Jan., 173 $\frac{1}{2}$). The wars with the Indians were continuous and bloody, but in the intervals attempts at settlement were made by the inhabitants of the Massachusetts Bay *etc.* William, brother of Ebenezer, lived with Elihu Guninson, a noted shipwright, at a late town called Sheepsgutt near Pemaquid about 40 years since *etc.* *Signed*, Ebenezer Wentworth, William Wentworth. $1\frac{3}{4}$ pp. [*C.O.* 5, 873. *ff.* 84–96, 97, 98, 100–112*v.*, 113*v.*, 114, 115, 116, 117–118, 119, 121–128, 129–130, 131–135*v.*, 136*v.*]

Aug. 12.
Hampton
Court.

354. Order of King in Council. Approving draught of Instruction to Governor Belcher to pass the Act for *granting* 5,400*l.* for the support of *H.M. Governor etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th, Read 21st Sept., 1731. 1 p. [*C.O.* 5, 873. *ff.* 137, 138*v.*]

Aug. 12.
Hampton
Court.

355. Order of King in Council. Referring to the Council of Trade and Plantations for their report thereon 18 acts passed in the Massachusetts Bay, Feb.–April, 1731, and delivered to the Clerk of the Council in waiting. *Signed*, Ja. Vernon. *Endorsed*, Recd. 24th, Read 26th Aug., 1731. $\frac{3}{4}$ p. *Enclosed*,

355. i. List of following Acts, under the public Seal. Boston, 14th May, 1731. *Signed*, J. Belcher, J. Willard, senr. 2 pp.

355. ii. Acts referred to *supra*. *Printed*. 2 pp. [*C.O.* 5, 873. *ff.* 70, 71, 71*v.*, 73–82*v.*, 83*v.*]

Aug. 12.
Charles
Town.

356. Governor Johnson to the Duke of Newcastle. *Encloses* answer relating to the executorship of one Albert Muller as required by Lord Townshend, 9th Dec. 1729. *Continues*: It gives me great pleasure I have been able to obey your Grace's commands in procuring from the General Assembly Mr. Fury's being appointed Agent for this Province, with a salary of 100*l.* a year. I am sorry I was not able to procure for him more than the last Agent had *etc.* *Will send* publick transactions at conclusion of Sessions. *Signed*, Robt. Johnson. *Endorsed*, R. Oct. 15th. 1 p. *Enclosed*,

356. i. Andrew Allen to Governor Johnson. 29th May, 1731. An account of the administration of the estate of Albert Muller, who under a patent of naturalisation in 1727 purchased a house in Charlestown *etc.* 1 p. [*C.O.* 5, 388. *ff.* 36. (*Nos.* 10, 11.)]

1731.

Aug. 12.
Hampton
Court.

357. Order of King in Council. Ordering establishment of office fees for the Board of Trade, (*v.* 19th May), the Secretary and Clerks to receive no other gratuities. *Set out*, A.P.C. III. No. 236. *Signed*, Ja. Vernon. *Endorsed*, Reed. 24th, Read 26th Aug., 1731. $1\frac{3}{4}$ pp. *Enclosed*,

357. i. Schedule of fees for Board of Trade. *v.* A.P.C. III. No. 236. 1 p. [*C.O.* 388, 80. *Nos.* 9, 9 i.]

Aug. 12.
Hampton
Court.

358. Order of King in Council. Governor Rogers is to deliver up the bond entered into by Governor Phenney *etc.* to be cancelled *etc.* (*v.* A.P.C. III. p. 318). *Signed*, Ja. Vernon. *Endorsed*, Reed. 8th, Read 21st Sept., 1731. $4\frac{1}{2}$ pp. [*C.O.* 23, 2. *ff.* 253–255, 256v.]

Aug. 12.
Hampton
Court.

359. Order of King in Council. Approving reports of Committee and Board of Trade and empowering the Governor of New York to make a grant of “the Swamp” to Anthony Rutgers *etc.* *v.* A.P.C. III. No. 227. *Signed*, Jas. Vernon. *Endorsed*, Reed. 8th, Read 21st Sept., 1731. $1\frac{3}{4}$ pp. [*C.O.* 5, 1055. *ff.* 196, 196v., 197v.]

Aug. 12.
Hampton
Court.

360. Order of King in Council. Approving reports of Committee and Board of Trade, and repealing Act of New York *to prevent the taking or levying on specialty more than the principal interest and cost of suit etc.* *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [*C.O.* 5, 1055, 198, 198v., 199v.]

Aug. 12.
Hampton
Court.

361. Order of King in Council. Approving report of Council of Trade and Plantations and repealing act of Pennsylvania *for the establishing of Courts of Judicature etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 8th, Read 21st Sept., 1731. $1\frac{3}{4}$ pp. [*C.O.* 5, 1268. *ff.* 19, 19v., 25v.]

Aug. 12.
Philadelphia.

362. Mr. Browne to Mr. Popple. Major Gordon and I have within these few days finished the examinations of witnesses *etc.* He refuses to give me an answer to my charge, and says these depositions are a sufficient one. However I am preparing some remarks *etc.* which I doubt not will fully evince the greater part of the depositions of his side to be entirely foreign to the purpose; and that by the cross examinations on my part they will also appear to be false in every material article. Major Gordon took up three months to do what I presume I refuted in two days, and I cannot apprehend what he means by the load of papers you will receive from him, unless to prevent their being read *etc.* I wait for the opinion of Council on a clandestine proceeding in Chancery against me, of wch. I was acquitted without knowing it, and could not obtain a copy thereof till within these few days. *Prays that* the arrival of his remarks may be awaited *etc.* *Signed*, J. Browne. *Endorsed*, Reed. 12th Nov., 1731, Read 3rd May, 1732. *Holograph.* 2 pp. [*C.O.* 5, 1268. *ff.* 82, 82v., 86v.]

1731.

Aug. 12.
Hampton
Court.

363. Order of King in Council. Approving representation on Act of Virginia *for amending the staple of tobacco* and ordering it to lye probationary, the Lords of the Committee being reported that "the subject matter of this act is of very great consequence, as it relates to so principall a branch of the Plantation trade, as that of tobacco, in which great numbers of your Majesty's subjects are concerned, and as it is not certain whether it may tend to the encreasing or lessening of your Majesty's revenue upon that commodity" *etc.* Signed, Ja. Vernon. Endorsed, Recd. 8th, Read 21st Sept., 1731. 1 $\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 179, 179v., 180v.]

Aug. 12.
Hampton
Court.

364. Order of King in Council. Approving representation on Act of Virginia *for continuing a part of an act for laying a duty on liquors etc.*, and repealing it accordingly. Signed and endorsed as preceding. 2 pp. [C.O. 5, 1322. ff. 181, 181v., 182v.]

Aug. 12.
Hampton
Court.

365. Order of King in Council. Approving report of the Committee for Plantation Affairs (23rd July), and disallowing the Act of Antigua of 1728 *to supply the defects of the Act for constituting a Court of Chancery in the absence of the Commander in Chief from the island etc.* The Committee reported that they had been attended by Counsel on the petition of the traders to Antigua, and examined some of the inhabitants as to the necessity of such an act, but agreed that there had not been laid before them sufficient reasons for differing in opinion from the Board of Trade. They recommended, for the reasons advanced by the Board, that an Instruction be given to Governor Cosby to recommend to the Assembly the passing an act to repeal so much of the Act of 1715 as restrains the power of the Crown herein, and another Instruction for redressing the inconveniencys complained of as soon as the Assembly shall have past the act of repeal. Instructions were ordered accordingly. Set out, A.P.C. III. pp. 322-325. Signed, Ja. Vernon. Endorsed, Recd. 24th, Read 26th Aug., 1731. [C.O. 152, 19. ff. 69-70v., 72v.]

Aug. 12.
Hampton
Court.

366. Order of King in Council. Repealing *above* act of Antigua (1728). Signed, Ja. Vernon. Endorsed, Recd. 8th, Read 21st Sept., 1731. 2 pp. [C.O. 152, 19. ff. 72, 72v., 73v.]

Aug. 12.
Hampton
Court.

367. Order of King in Council. Referring following to the Council of Trade and Plantations to examine and report their opinion thereupon. Signed, Ja. Vernon. Endorsed, Recd. 21st, Read 24th Aug., 1731. 1 $\frac{1}{2}$ pp. Enclosed,

367. i. Petition of several merchants of the City of London, in behalf of themselves and others trading H.M.

1731. [367. i]

Colonys and Plantations in America, to the King. They have great sums due to them from the inhabitants, and as the laws now stand in some of the Colonys and Plantations, H.M. subjects residing in Great Britain are left without any remedy for the recovery of their just debts, or have such remedy only as is very partiall and precarious, whereby they are like to be considerable sufferers in their property and are greatly discouraged in their trade to America. In severall of the said Colonys and Plantations greater and higher dutys and impositions are laid on the ships and goods belonging to your petitioners and other persons residing in this Kingdom than are laid on the goods and ships of persons inhabiting the said Colonys *etc.*, to the great discouragement of the Navigation of Great Britain *etc.* *Pray* for relief. *Signed*, Rd. Harris, Micajah Perry, Hum. Morrice, and 29 others. *Copy.* 1 $\frac{3}{4}$ pp. [C.O. 323, 9. ff. 68-69v., 71v.]

Aug. 13.
Charles
Town.

368. Governor Johnson to Mr. Popple. Sr. I have received your favour of the 8th of April last and entertain the advice you give me, as I am very well persuaded you mean it as my friend and for my service, and shall in due time recommend to the Assembly what their Lordships of Trade have commanded me, in relation to the summons instead of a *capias*; thô I cannot give great hopes they will be prevailed on to alter the law from the present practice of a *capias* to a summons; which is indeed (thô so called) no other than a *capias*, only with this difference, that it brings the defendt. into Court thô not personally served, but by leaving at his habitation, which was attended by many abuses; many people having had judgments obtain'd against them, without knowing they ever had been summoned; and consequently in no capacity of making their defence, for oportunitys were taken when people were abroad (perhaps at the Charekie mountains) to thrust a summons under a person's door, and the Marshal swearing he left the summons at the party's dwelling house, was sufficient to proceed against the defendt. *ex party*; and so judgmt. went against him for what was charged in the writ, which was always double the debt, and many times actions only of mallice to prejudice anothers credit. The first process in the Courts here were from the first settlement until the year 1713, by a *capias* only, as in England, when a law was made to proceed by a summons, being limited to two years, it then returnd to the old way of a *capias*, and so continued until 1720, when the summons law was again revived, but the aforementioned inconveniencies being found in it, it was again repealed in 1726 and so continues. What their Lordps. mean by the first process

1731. [368]

in England being supposed to be a summons is (I suppose) no other than a demand of the debt ; but here the summons was a copy of the *capias* or writ, which being left at the house of the defendt. was to have the same effect as the writ personally served ; which I am afraid the people here will never again consent to. The Assembly of both Houses have now passd a law for regulating the Jurys, in which was proposd to be a clause obliging the plaintiff to try his suit against the defendt. at the Precinct Court where the defendt. lived ; which was the law and with great difficulty has been thrown out of the bill ; and the action is now triable where the plaintiff pleases ; which has very much lessend the authority of the precinct Courts, to the great satisfaction of the merchants, and trading people here, and will be of great ease and advantage to the Marshall, in the execution of his office, with which I hope they will be satisfyd at present, and they may be assured I shall impartially espouse their interest when it is founded on justice and publick credit. The sessions is now almost at an end at the conclusion of which I shall do myself the honour of acquainting their Lordships with what has been transacted, which I hope will be to their satisfaction. I shall on all occasions shew a due regard to any of your friends, and endeavour to convince you that I am, Sr., Your most humble servant, *signed*, Robt. Johnson. *Endorsed*, Reed. 16th Oct., Read 16th Nov., 1731. 2 pp. [*C.O.* 5, 362 ; and (*abstract*) 5, 406. *fo.* 28, *ff.* 38, 38v., 39v.]

[Aug. 15]. **369.** R. Mountague to Mr. Delafaye. On behalf of Governor Rogers. Communicates proceedings against Mr. Colebrooke *etc.* (*v.* 10th June), and in case any complaints are made, proposes to acquaint him with details of his offences, *etc.* *Signed*, R. Mountague. *Endorsed*, Aug. 15, 1731. *Addressed*. 1½ pp. [*C.O.* 23, 14. *ff.* 195, 195v., 196v.]

Aug. 16.
Hampton
Court.

370. Minutes of Privy Council. The further report of the Board of Trade, Aug. 11, concerning the two regiments at Jamaica was read, and extracts of letters to Col. Cope from the late Lt. Col. Townshend and Lt. Col. Cornwallis with a message, inclosed, from the Assembly to the Council of Jamaica. Their Lordships are humbly of opinion, that it may be for H.M. service, that the two regiments be sent for home ; but that in order to provide for the security of the island, Lt. Col. Cornwallis, the Commanding Officer in either of the two Regiments, be directed to review the two Independant Companies there, and see that they be compleated by draughts, to be made in proportion, out of both the Regiments that are to come home, and as an encouragement to the soldiers that shall be thus turned over, a bounty of 10*l.* a man be given them ; That the Governor be directed, to induce the Assembly to give

1731. [370]

all fitting encouragement for engaging the private men in the said two Regiments to settle, with their families, in the island, and that a proper discharge be given to such of them as shall be willing to settle there; But that the soldiers should have their option, whether they will settle as inhabitants, or go into the Independant Companies; and that for the Governor's direction, in the execution of these orders, copys be sent him of ye several reports of the Board of Trade on this head. 1½ pp. [C.O. 5, 36. ff. 24, 24v.]

Aug. 16.
Whitehall.

371. Mr. Wheelock to Mr. Scrope. Encloses draft of bond for Lt. Governor Ogle (v. 28th July), for which Lord Baltimore has proposed George Ogle, of Dublin, and John Broughton of Westminster as sureties. *Annexed*,

371. i. Form of bond referred to in preceding. [C.O. 5, 1294. pp. 34-42.]

Aug. 17.
Hampton
Court.

372. Duke of Newcastle to Governor Belcher. Mr. William Shirley a very sensible man, and a friend and neighbour of mine in Sussex, who was bred to the law, in which he is very well skilled, going to New England to settle and to follow his profession there, I trouble you with this letter by him, to recommend him to your protection, and to desire that you will give him all the countenance and assistance that may lye in your power, which I shall acknowledge as a particular obligation; and it would be an additional favour, if you could suggest anything by which I might further contribute to his encouragement. *Signed*, Holles Newcastle. [C.O. 324, 36. p. 307.]

Aug. 18.
Portsmouth,
New
Hampshire.

373. Lt. Governor Dunbar to Mr. Delafaye. *Refers to* letter of 15th July. Would write oftener to the Duke, but fears to be troublesome *etc.* "People, tho' seemingly Saints in New England, have little regard to truth when straining of it will serve their interest, and my imploymt. is so obnoxious to them, haveing never before been under any restraint, that they would stick at nothing to get me removed. I defy them all to assigne any true cause for it, and I hope his Grace will not regard their mallice; Here is a glaring fresh instance of it as well as their disobeying H.M. Comm. to me as Lieut. Govr. I scarce expect it to be believed, I need not comment upon it; My brother will wait upon you and shew you some other authentick papers to explain it *etc.*, to be laid before His Grace," *etc.* *Signed*, David Dunbar. *Endorsed*, R. Oct. 6. *Holograph*. 1½ pp. *Enclosed*,

373. i. Lt. Governor Dunbar to Governor Belcher. Portsmouth, N.H., Aug. 16, 1731. He did not intend to answer his letter of 2nd inst., as it was impossible to do so, and keep within the bounds of the respect he would pay to his Commission, but he then little

1731. [373. i]

imagined what had come at the same time, though it has been the town talk ever since. He was very angry with the Gentleman who told him he had sent such orders to Capt. Walton *etc.* (v. encl. ii, iii), because he thought it an idle, ridiculous story, but upon being told that there might be something in it, he hired a boat and went to the town of Newcastle *etc.* *Continues* : I went to a publick house, and sent for the Captain of the Fort *etc.* Upon his telling me your Excellency's orders, I desired to see them, which he refused, until I said I had a right to see you, and should not regard them until I did ; the Captain thereupon sent for them, and left me, to go to the fort, the gate whereof he shut, and put his garrison, consisting of two men, under arms, I waited some time for his return and for the man he had sent for your Excellency's letter, and neither coming, I walked towards the fort, in the same dress and posture I always walk in, with my sword in my belt and my cane in my hand. I went alone to the gate and knocked with my cane *etc.* The Captain said I should not enter except I would go as a private man *etc.* I insisted upon going in as Lieut-Governour, and commanded him to read H.M. Commission to me, which he positively refused, saying he would obey H.E.'s orders *etc.* All this was in the hearing of the [three] gentlemen [*who had accompanied him*], and 40 or 50 fishermen, and others belonging to the towne. The Captain then ordered your Excellency's orders to be read aloud *etc.* I desired an attested copy, which favour was granted *etc.* The Captain then opened the gate and invited me to walk in as a private gentleman *etc.* Although contrary to H.M. Commission, such was his submission to H.E.'s commands that he did not enter, "tho a thousand men might drive sheep into the fort at any place but the gate," and though he believes it was his duty to have put the company of militia of the town of Newcastle under arms and arrested the Captain for rebellion, but his chief motive being to preserve peace, he hopes a favourable construction will be placed at home upon his not doing so. *Continues* : After this I do not take it that I can stay here with safety, I am sure I cannot with honour, for all your friends and some in the Commission of the Peace say, that since this order to Collo. Walton, my commission is superseded or suspended, for, as by it, he is to receive no orders from any but your Excellency, of consequence others are not ; that fort *etc.* was always part of the perquisites of my predecessors, and the Province

1731.

[373. i]

built an apartment in it where several of them have lodged when they tho't fit, and tho' H.M. Commission gives me all rights, privileges, profits, perquisites and advantages to the same belonging, I never made any pretention to this, purely to avoid disputes, but I now acquaint your Excellency that I think it my due, as well as 200*l.* per annum this currency of the 600*l.* salary settled by the Province, out of which my predecessor always reced. so much from yours, as was intended by the General Court, who settled it. I had no tho't of ever mentioning this to you, but that this most extraordinary step of yours puts me upon it. And to convince you that no body is infallible, I send you a copy of your *dedimus etc.*, whereby you gave a power to administer oaths which are abrogated by Act of Parliament. Your Excellency has likewise found fault with me for not administering oaths upon Commissions which you yourself have allowed to be so deficient as to make out new ones, *etc.* Will make no complaint home, if he is given reasonable satisfaction *etc.* *Signed, David Dunbar. Copy. 3 pp.*

373. ii. Governor Belcher to Collo. Walton, Capt. of the Fort [*? William and Mary*]. Boston. Aug. 2, 1731. I observe you have (with Collo. Sherburne) administered the oaths to Capt. Wybird, which is well, and that the Lt. Governor had made a pretence to suspend the Secretary, which I now write him is out of his power, and I order the Secretary to go on chearfully in his office, notwithstanding that insignificant paper he signed, as I do you again to abide by the commission I gave you for Fort Mary, and not to suffer the least insult on your commission from any person whatsoever, nor to let any one come into the fort but those that come in a curteous civil manner, I mean that the Lieutenant Governor nor any others should come by way of command or in derogation to the orders I have given you *etc.* The Lieut. Governour writes me he shall order you to attend continually at the fort. I would have you always remember you are to receive no orders but from me, and mine are to do in your command of the fort as the late Lieut. Governour did, for you shall be present or absent from your command, as I shall judge proper. *Signed, J. Belcher. Copy. Overleaf,*

373. iii. Certificate that Col. Walton showed above to Col. Dunbar. Newcastle, Aug. 14, 1731. *Signed, Benning Wentworth, Theodore Atkinson. The whole, 1 $\frac{1}{4}$ pp. [C.O. 5, 10. ff. 88, 88v. 89v.-91 (without encl. ii, iii); and (encl. ii., iii., only) 5, 898. No. 93.]*

1731.

Aug. 18.
 Portsmouth,
 New
 Hampshire.

374. Lt. Governor Dunbar to Mr. Popple. Refers to papers sent by Capt. Bax (v. 11th July) and copies by way of Cork and some new ones to his brother to be laid before the Board. *Continues*: I take that method because ye sight of so many at once might frighten you. *Repeats* part of preceding covering letter and encloses copies of Nos. i, ii preceding. *Continues*: I am very apprehensive I shall be blamed for submitting to the orders *etc.* I shall be impatient to have an answer to this *etc.* *Requests* him to assist his brother in putting these papers into a method to be laid before the Board. Among them is the case and dispute between the Governor and Theodore Atkinson who has acted two years as Collector. The Commission of the Peace has not yet been amended. Six townships are still without Magistrates. *Encloses* a dedimus from the Governor to administer oaths wh. are contrary to law and his Instructions. "All these mistakes are (I believe) chiefly oweing to a little pert Attorney here, who is now Secretary of the Province, a Judge and Justice of the Peace, and H.E.'s chief Counsellour, it is to this gentleman that the divisions and confusions in this small province are owing" *etc.* *Repeats* complaint against Act, due to his persuasion and pique to this town, for removing the Courts from Portsmouth to three country towns. People are obliged to travel 100 miles in Maine to York, the County town, which is within 7 miles of Portsmouth. *Hopes* the act will be disallowed. "He was forced to promise to emit mony, I mean bills of credit here, to get their consent to pass that act, and he then told them he could not signe the mony bills without orders." There are daily complaints about the boundary lines. He hopes H.M. will explain the Charter *etc.* *Continues*: "Here is a report that Mr. Secretary Waldron and his emissarys are getting a number of names to a petition in some private manner by way of contradiction to the representation I was desired to send to you, and that was very publique, and 500 names could have been got, but I sayd there was no occasion. It is a melancholly circumstance to be at such a distance from home as to be under a necessity of lying long under distress and difficultys" *etc.* *Prays* him to dispatch answers *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. 28th Sept., Read 13th Oct., 1731. *Holograph*. 4 pp. [C.O. 5; 873. ff. 154-155v., 156v.]

375. Address of the Upper and Lower Houses of Assembly of Maryland to Benedict Leonard Calvert, Lt. Governor of Maryland. Annapolis, 19th Aug. 1731. *Reply* to queries as to the trade and produce of the Province transmitted by the Council of Trade and Plantations. *Continue*: For want of an opportunity to examine the books of the Officers of the Customs, we cannot be so particular as we wish to be *etc.* *Continue*: There are very few trading vessels belonging to

1731.

[375]

the inhabitants, several of the twelve counties having not one *etc.* We could not learn any more than one small vessel has gone from this province (belonging to the inhabitants thereof) to any of the foreign Sugar Plantations; a few vessels have gone to Madera, and others of the Portuguese islands, one, two or three in a year, and for several years none. This Province has very little trade with any part of Europe beside Great Britain, and that confin'd to a few voyages by three or four small vessels in several years past to Lisbon, which carried grain and lumber thither. All the commodities ever exported to, or imported from any of the foreign Plantations, belonging to the French and Dutch, by the inhabitants of this Province, that we could learn, has only been the lading of the small vessels already mention'd, which carried lumber and provisions, and brought back mellosses; save that sometimes when vessels have been disappointed of their lading in H.M. Colonies, they have taken in some salt in the said foreign Plantations. The trade to Madera and other Portuguese islands has been more considerable: sometimes one small vessel and sometimes two or three, but never more that we could learn (belonging to this province) have gone thither in a year; which vessels have carried wheat, Indian corn and other provisions, and staves, and brought back Madera and other wines of the produce of those islands and salt. As to vessels belonging to other parts of H.M. Dominions, whose loadings are purchased in this province, we cannot give any account of them. The climate here is moderate, the soil productive of all sorts of grain, and many sorts of fruit, and has great quantities of valuable timber; and in many places good pasturage; and the rivers and bay full of great variety of fish, especially herrings: But the inhabitants, ever since the first settlement of this country, have applied themselves principally to the making tobacco, which is our only staple, neglecting manufactures and tillage, when tobacco has been valuable; the produce of that commodity alone being then sufficient to supply the people with cloathing, and other necessities, in great plenty, from Great Britain, with an overplus in money, which has always been lodged there; not only as the securest, but the most advantageous repository, whence the people cou'd be supplied with every thing for their own use or for traffick; hence it has happen'd that the people have receiv'd very little advantage from a moderate climate, and a fertile and fruitful soil, besides provisions, and the produce of their tobacco, which for several years past has been really so very low that it would not supply the inhabitants with one half of the necessities of life; and the expectation of an amendment has occasion'd their continuing in the old beaten tract so long, that they are now reduc'd to an incapacity to carry on any considerable trade or manufactures. It is true, that extreme want and necessity have driven some of the poorer sort of people

1731. [375]

in several parts to make some small quantities of coarse linens and woollens for their own particular use, without which they must have gone naked and been starved ; of these manufactures we are confident there are none exported ; and that very few (if any) make enough of them to supply their own necessities ; As to the value of other commodities of the growth and production of the country, annually exported besides tobacco, we cannot make any estimate. Those concern'd in the exportation, and who reap the advantages arising from it, being such as come from other parts to purchase what the people can spare, which their necessities oblige them to part with at very cheap rates. Thus, may it please your Excellency, we have given a full state of the circumstances of the country concerning its trade, as we could : and we can assure you that we have not represented it's condition worse than it really is. *Signed* by all the Members of both Houses. A true copy of the Journalls of the Upper House transmitted to me. *Signed*, Baltimore. *Endorsed*, Recd. (from Ld. Baltimore) Read 1st Feb., 1731½. 5½ pp. [C.O. 5, 1268. ff. 70v.-73v.]

Aug. 19.
Mercht.
Taylors Hall.

376. Mr. North to Mr. Popple. Several of the petitioners (*v.* 5th Aug.) intend to wait on the Board on Wednesday next at eleven according to the appointmt. when I last attended *etc.* *Signed*, Geo. North. *Subscribed*, Memorandum of verbal acceptance. *Endorsed*, Recd. 19th Augt., 1731. 1 p. [C.O. 28, 22. ff. 73, 74, 74v.]

Aug. 20.
Portsmouth.

377. Lt. Governor Dunbar to Mr. Popple. Has received reply from Governor Belcher (*v.* Aug. 18), justifying his order for shutting him out of the Fort *etc.* *Continues* : This order of the 18th of July is grounded upon falsitys reported to him by a poor old creature formerly one of this country Collonels, and now made Capt. of the Fort, to whom I solemnly declare that I said no more than, that the command of the Fort, and any little perquisits attending it, allways belonged to the Lieut. Governours, and I had a right by my Comm. to everything enjoyd. by them, he replied he had H.E.'s Com-missn. to be Capt of it, and hoped, as he was very antient I would not deprive him of the small perquisits he had by it, my answer was, that if it was my right as Lieut. Governour I would either have it, or he should own the obligation to me, that it was not worth disputeing, and that if I could not have it without a comission from Governour Belcher, I would not have it at all, for I would take no commission from him *etc.* Mr. Walton has, it seems, made something more of it *etc.* You see his Excellency thanks him for a list of the restless and uneasy, I wish my Lords would ask Coll. Shute, Mr. Walton's character, it is such that nobody here would hang a cat upon his evidence, and for this reason some former Govrs., particularly Shute had

1731.

[377]

his name put far back in the list of the Council, yt. he might have no chance of ever commanding the Province; Many people from Boston and the late Governour Dummer have sent me their opinion, which also aggrees with the gentlemen of best note here, that by the last clause in the chief Governour's Commission, he has no power but when he is actually present in the Province; agt. that paragraph he has left the 36th article of his instructions upon the Secretary's files *etc.* *Fears* he will be blamed for giving in to him, but could not avoid it without violence. As he has occasion in other places, will go hence till he receives further orders. If Mr. Belcher is judged in the right, begs to be excused serving under him. "I am not the onely man by a great many he uses ill; he never darst offer the least affront to man until now that he lords it over all, for he has formerly been chastized by cane, whip and foot, without resenting it, wch. makes it the more griveous to be ill used by such a man *etc.*, by his carriage and style he seems to think himself King. He does not permit the Lieut. Governour of ye Massachusetts, tho' one of his own recommendation, to sitt in Council with him, so that he is quite a stranger to all the busyness of the Province *etc.* I suppose when he comes here, he will tell me I have no busyness in Council whilst he sitts there, but I will not submit to that *etc.* I have for some time expected a Comn. for a new Judge of Vice-Admiralty at Boston. I am sure there is a necessity for it *etc.* I have some time since seized a parcel of masts in Piscatua river at this towne, and intended to try them here but as they were cutt on the other side of the river in the province of Maine, they must be tryed in the Massachusetts Govt., upon which I sent to the Advocate Genll. for an opinion and to get a deputation for George Jeffrey Esq. who has long acted and is now Deputy Judge of Vice-Admiralty, to hold a Court on the other side this river *etc.* Mr. Belcher upon hearing this has prevaild upon the old Judge of Admiralty at Boston, to give a deputation to one Gambling *etc.*; this is done on purpose to oppose H.M. interest, Mr. Gambling haveing allways as an Attorney appeared on the other side, and now there will be new cases, and Doctor Cook, Govr. Belcher's chief favourite, will be the first, who haveing in open defiance to authority cutt mast trees far up in Saco River near Casco, I have seized them in boards, as I have done several quantitys in this province *etc.* I will try what a Court will judge in this case, but now think I have very little chance. *Encloses* the Governor's orders to me relateing to a Collector, and least I should not give lett passes as he directs, he has sent some blank passes signed by himself, and as he has given orders to the Captain of the Fort to receive no orders from me, I intend they make use of their own papers. I have already mentioned a clandestine petition *etc.*, and I am desired to send you extracts of former letters to the Province

1731. [377]

Agents, signed by the promoters of this petition as a Committee appointed by the Genll. Court for yt. purpose, to shew you that it is no new chimera, as is now alledged. I am very sensible I must be thought too troublesome to my Lords Commissioners *etc.* If my Lords will be pleased to part Mr. Belcher and me it will save much of it. I send you one of the clearances of his new Collector, and an impression of a seal which will make any vessel lyable to a seizure, as all Custome Houses in H.M. Dominions know each others seal, this I have told the new Collector, and that he is not quallified by law to act as you'l see in your pacqt. by the oaths weh. have been administerd to him, but we live under a Governour that will salve all mistakes with a volo and jubeo" *etc.* Signed, David Dunbar. *Endorsed*, Reed. 28th Sept., Read 13th Oct., 1731. *Holograph. Addressed.* $6\frac{3}{4}$ pp. *Enclosed*,

377. i. Warrant by Governor Belcher empowering Shadrach Walton and Henry Sherburne to administer the oaths of allegiance and supremacy, the abjuration oath and the office oaths to any person hereafter commissioned *etc.* 3rd Aug., 1731. Signed, J. Belcher. *Same endorsement.* Copy, certified by, Richd. Waldron, Secretary. $\frac{3}{4}$ p.

377. ii. Copy of Governor Belcher's 38th Instruction. *Same endorsement.* 1 p.

377. iii. Lt. Governor Dunbar to Governor Belcher, 16th Aug. Copy of Aug. 18 encl. i. *Same endorsement.* 3 pp.

377. iv. Governor Belcher to Capt. Walton. Boston, July 18, 1731. I have yours before me of 16 currant and am apt to think the strange appearances you mention will soon vanish into smoke, and the people will come to themselves, and believe who have designs to hurt and ruin them, and who are their friends. I thank you for a list of the restless and uneasy. If some people might enjoy all the places of profit and honour in the Province, as they have for many years past, they wou'd be well content. But I think it time and very reasonable some other families shou'd share in the advantages of the Government. I particularly observe these words in your letter "As for the fort your Excellency has been pleased to favour me with the Leiut. Govr. says he shall never accept your Commission for it, for that he says he looks upon with contempt, but swears nobody shall command there but a commission from himself." Since the Leiut. Govr. does not know his duty or is not willing to practice it my order is that you abide by the Commission, I have given you, and not suffer him, nor any other person to come into the fort, or have any-

1731. [377. iv]

thing to do with it, but by such orders, as you receive from me from time to time. As to the complaint sent home against me in the ship that sail'd from your river the 15th currt., I shall laugh at all they can say, if they don't lye. The common complaint has been that New Hampshire is not able to support a Government in the present circumstances, how can they then pretend to be an independant Government. For 30 odd years that Province has been under the same Governor with the Massachusetts, how comes it then, all on a sudden to be necessary to have a new regulation? Because some men out of office want to be in *etc.* *Signed, J. B. Same endorsement. Copy, certified by J. Belcher. 1 $\frac{2}{3}$ pp.*

377. v. Duplicate of Aug. 18. *Nos. ii, iii.*

377. vi. Deposition of Benning Wentworth and Theodore Atkinson. Portsmouth, Aug. 18, 1731. *Describe Col. Walton's refusal to allow Lt. Gov. Dunbar to enter and view Fort William and Mary. Signed, Benning Wentworth, Theodore Atkinson. 4 pp.*

377. vii. Impression of Seal of Arms of New Hampshire sent to Capt. Wybird for a Custom House Seal by Governor Belcher. Aug. 18, 1731. *Signed, David Dunbar. Same endorsement. 1 p.*

377. viii. Governor Belcher to Lt. Gov. Dunbar. Boston, 16th Aug., 1731. The post being here (who came away the day after your Honour's of 12th present) and bringing me no further account of the Indians you mention, I hope they were got together on no other account than what Collo. Harman intimated. Sr. I believe I have some time since notified you of my appointing Richard Wibird Esq., Collector of New Hampshire, since which I wrote the late Deputy Collector that I had sent a dedimus for administring the oaths to Capt. Wibird, and expected his conforming thereto, and in answer he wrote me, he wou'd neither deliver the seal of office, nor the instructions he had, and since that refused to do it on a special warrant I sent him, and has also presum'd to give clearances as a Collector, and the present Collector writes me, as well as the Capt. of Fort William and Mary, that you have given passes for vessels cleared by him, and to some of them that have not cleared at the Naval Office. I hope those who have been advisers in the matter, especially to the poor men who have violated the Acts of Trade in not clearing at the Naval Office, will make good to them the damage and difficulties they may have run themselves into. As to the late Deputy Collector, he's not worth my further notice

1731. [377. viii]

at present. But to prevent all breaches of the Acts of Trade for the future, and loss of the subjects' estate, or any interruption to the trade, I once more tell your Honour, that I have appointed Richard Wibird *etc.* It is my order that you be at all times aiding and assisting *him*, and sign no pass for any vessel to the Capt. of the Fort without mentioning therein, *the said vessel's being duly clear'd by Richard Wibird Esq., Collector of New Hampshire. Same endorsement. 2 pp.*

377. ix. Clearance of the sloop *Dimont* from New Hampshire to Newfoundland. 20th Aug., 1731. *Signed, Thos. Wibird, Depty. N. Officer, R. Wibird, Coll. Same endorsement. Printed form. 1 p.*

377. x. Copy of last clause but one of Governor Belcher's Instructions, assigning his powers to the Lt. Governor in his absence out of the Province *etc. Same endorsement. ½ p.*

377. xi. Governor Belcher to Lt. Governor Dunbar. Boston, 18th Aug., 1731. Benjamin Akerman brought me your letter this morning about 11 o'clock I can't really say whether 4½ minutes before or after, tho' these niceties are great things with you, or you would not think my mistaking the name of the Fort worth mentioning, and to convince you that infallibility is not your talent, I send you a copy of Capt. Husk's commission only to show you what you writ under it, and to know whether any man living can tell the day or year you administred the oaths to him, but these are trifles I think not worth your notice or mine, and notwithstanding the mistake Mr. Secry. Waldron might make in writing the dedimus, I doubt not but the proper oaths have been duly administred *etc.* I am freely willing you should send home copies of my letters, depending you'll be so just as to send copies of yours to me *etc.* *Sends copy* of his letter to Capt. Walton, 18 July (*No. iv supra*). The Commissions I give are the King's Commissions and it is your duty to treat them with great respect *etc.* The late Lt. Govr. kept command of the fort by my proclamation, and no otherwise, nor do I find anything in your commission, or any act of the Government that settles the command of that fort upon the Leiut. Govr. *etc.* *Would have* given it to him, if he had asked for it and not treated his commission with contempt. *Continues:* The passes you give to the fort are properly mine and so I believe you'll find the licences for marriage *etc.* My only answer to what you say, about sharing my salary, is that it made me smile.

1731. [377. xi]

Your predecessor never had the face to say a word to me on that head, nor did I practice any mean condescensions with the Assembly to get it done, but told 'em frankly and freely before they did it, no one shou'd ever have a farthing of it, and I have long since reed. an approbation from home, of the handsome manner in which I got the salary settled *etc.* It was a fault in you not to administer the oaths when the gentn. waited on you by my order. The commissions were not deficient, but good and full, so far as I had extended 'em. If I pleas'd to enlarge 'em afterwards, that was more than you knew in the time of it *etc.* You are too assuming in your letters. Nor do I want your dictating to whom I shall read your letters or my own *etc.* *Continues:* I am under no concern about your complaint home, because I insist upon it, that I am always present at New Hampshire when here, or that government wou'd be a monster with three heads. If I am absent, so wou'd you, if you cross the river into York county, and then the President of the Council might turn the Government into all confusion *etc.* *Is prepared* to justify himself in this as in the affair of Frederick's Fort. Was obliged to go into the country and therefore to detain the express, "which those who sent it, I beleive must be content to pay *etc.* Signed, J. Belcher. *Same endorsement.* 3 $\frac{3}{4}$ pp. [C.O. 5, 873. ff. 157-165v., 166v.-167v., 168v.-172v., 173v.-177v.]

Aug. 20.
Boston.

378. Governor Belcher to the Council of Trade and Plantations. *Abstract.* Col. Dunbar is a gentleman of such an uncommon temper that he expects to have to be constantly defending himself against his unjust insinuations. *Refers to* letter of 12th July. Col. Dunbar's thirst of power and honour beyond his rank cannot be acceded to by any Governor. When the Capt. of Fort William and Mary reported that the Lieut. Governor said he would never accept his commission for it, he thought it high time to assert the King's honour against insults and behaviour which could only lead to anarchy. The Governor has never been esteemed absent from New Hampshire when at the Massachusetts. *Refers to* 36th instruction. It cannot be imagined that the King only made him Governor for about six weeks in the year—the time he spends with the Assembly there. Repeats former arguments. It being but 66 miles from Boston, and the post passing every week, regrets that he has to trouble the Board with the enclosed letters, but he expects Col. Dunbar will dress up an extraordinary relation of this affair. He will esteem it a great favour to be delivered from this uneasy gentleman *etc.* Signed, J. Belcher. *Endorsed,* Reed. 5th, Read 19th Oct., 1731. 4 pp. *Enclosed,*

1731.

378. i. Copy of preceding encl. x.
 378. ii. Copy of Aug. 18 encl. i.
 378. iii. Copy of preceding encl. iv.
 378. iv. Copy of Aug. 18 encl. ii. Nos. i-iv. *Endorsed as covering letter.* [C.O. 5, 873. ff. 201-203v., 204v., 206-207v., 208v., 210-211v., 214v.-213v., 214v., 215, 216v. (*with abstract*).]

Aug. 21. **379.** *Same* to the Council of Trade and Plantations.
 Boston. Duplicate of preceding, *mutatis mutandis*. Signed, J. Belcher. *Endorsed*, Recd. 28th Sept., Read 19th Oct., 1731. 2 $\frac{3}{4}$ pp. [C.O. 5, 873. ff. 217, 218-219v.]

Aug. 21. **380.** Governor Belcher to the Duke of Newcastle. I am
 Boston. now to confirm what I wrote your Grace 26 of last month, respecting the supply of the Treasury. The Assembly have now been sitting upwards 12 weeks, and seem resolved to provide no money for the defence of the Government, and the protection of the inhabitants, unless I wou'd sign a bill for it in open violation of H.M. commands, and upon a motion the House of Representatives made to me for a recess, I immediately ordered all the members of H.M. Council, to attend their duty in the General Court, and then demanded of them, upon the oath they had taken, answers to the questions your Grace will find in my message to the House of Representatives of 28 July (as by their Journals inclos'd). Upon this they summon'd their absent members to attend, and when they came together, the result was, to make a declaration, and send it to every town in the Province, in order to call the inhabitants of each town together, to have their orders or instructions about the supply of the Treasury, and I have no reason to believe but their answer will be just as the Representatives wou'd have it, vizt. That the Treasury shou'd not be supply'd in conformity to the King's Instruction. Upon the whole, my Lord Duke, I think it my duty seasonably to represent to you the great difficulty and hazard this matter must necessarily (and very soon) bring upon H.M. Government here, and all his good subjects. For your Grace must be sensible, it's impossible for a Government to subsist long without money. For my own part, I am fully in opinion that H.M. Instruction to me in this matter is exactly agreeable to the Royal Charter, as well as to the best safety and happiness of this Government and people. Yet as I have no reason to believe the House of Representatives will comply with it, it is absolutely necessary for the preservation of H.M. Government and people here, that your Grace transmit me as soon as possible the King's special order upon this head. For altho' the Assembly have been sitting now near 13 weeks, yet I believe they will go on to sit, till I have an answer from your Grace, and their so doing will be a vast burden to the

1731.

[380]

Province, and no service, for they have done nothing of any significancy for several weeks past. P.S. I had almost forgot to acquaint your Grace that notwithstanding the royal explanatory Charter says that "it shall be lawful for the Representatives *etc.* to adjourn themselves from day to day (and if occasion shall require for the space of two days) but not for any longer time without leave from the Governor *etc.*," yet the Representatives did on Saturday 10th July adjourn themselves to Tuesday, 13th. On which day I sent a message to them on that subject, which they so little regarded as to repeat such an adjournment the 24th of July. Their pretence for this is the intervention of the Lord's Day, which I think can by no means support such an unwarrantable practice. For I believe the maxim of *dies dominicus non est dies jucundus*, was the reason of that saving for 'em in the explanatory charter (and if occasion shall require for the space of two days) that they might not be oblig'd to sit on the Lord's Day. I hope your Grace will let me know H.M. pleasure on this head. *Signed*, J. Belcher. 2 $\frac{3}{4}$ pp. [C.O. 5, 898. No. 94.]

Aug. 25.
Whitehall.

381. Mr. Wheelock to Lt. Governor Gooch. *Transmits* Order in Council repealing act *laying a duty on liquors etc.* (v. 6th July), and duplicate of letter of 27th May. [C.O. 5, 1366. pp. 78, 79.]

Aug. 25.
Whitehall.

382. Council of Trade and Plantations to the King. An act was pass'd in your Majesty's Colony in Virginia in Oct., 1705, *against importing tobacco from Carolina and other parts without the Capes of Virginia*; and in 1726, another act was pass'd *for the more effectual preventing the bringing tobacco from North Carolina and the bounds in controversy*; We have lately received a memorial on the part of the inhabitants of Albemarle County in North Carolina, setting forth the great hardships they labour under, from being denyed the liberty of exporting their tobacco to Great Britain from the ports in Virginia. Whereupon we beg leave to represent to your Majesty that the only commodious port in North Carolina is at Cape Fear, scituated near the southern boundary of that county, so that if those planters who are settled to the northward near the borders of Virginia, are cut off from all communication with that Province both by land and water, as these acts import, they will lye under very great difficulties in exporting their tobacco to Great Britain, therefore will probably desist from planting that commodity, and turn their industry to other manufactures, which may be attended with very bad consequences to the trade of this Kingdom, from whence the inhabitants of North Carolina have hitherto taken considerable quantities of British manufactures, which they have been enabled to pay for by their tobacco. These laws are therefore manifestly disadvantageous

1731. [382]

to the trade of this Kingdom, and it would seem to us, highly unreasonable, that any of your Majesty's subjects should be debar'd from the liberty of making use of any ports belonging to your Majesty, or from carrying on any legal trade not prohibited by the laws of Great Britain in any part of your Majesty's Dominions; We likewise conceive that these laws are inconsistent with an Act of Parliament, 25th of K. Charles II, *for the encouragement of the Greenland and Eastland trades etc.* By this last act, the productions of the British Colonies in America are allowed to be exported from one English Province to another, under certain duties *etc.* For these reasons we humbly beg leave to lay these laws before your Majesty for your disallowance. [C.O. 5, 1366. pp. 76-78.]

Aug. 25.
Whitehall.

383. Council of Trade and Plantations to the Committee of the Privy Council. In obedience to orders of 7th July, have heard the merchants of London, Bristol and Liverpool in support of their petition against the Act of Jamaica *for raising several sums of money etc.*, and likewise Mr. Sharp in defence of it. This act lays a duty of 15s. on negroes imported and 30s. on negroes exported, and 100*l.* on convicts imported *etc.* This act so far as it relates to duties on negroes is a burthen upon the British trade and navigation and contrary to Governor Hunter's additional Instruction, 13th Nov., 1727 *etc.* Altho' H.M. was graciously pleased by his said instruction to allow that the Assembly might lay such a tax on the negroes of the said island bought there as they should think fit, yet this indulgence was never designed to be extended to the present case, where duties of import are laid upon all slaves imported, whether the property be changed or not, during their stay in the island, and a duty of export also laid without any exception for such slaves as should be imported only for refreshment, which must necessarily affect all slaves brought thither on account of the Assiento contract, *etc.* The duty upon convicts is a strong infringement of the Act of Parliament *etc. for the further preventing robbery etc.*, and for the more effectual transportation of felons, which extends to all H.M. Plantations in general; but by this exorbitant duty is now become impracticable with relation to Jamaica. For these reasons therefore we should propose to your Lordps., that this act might be laid before H.M. for his disallowance. But forasmuch as the same is only a temporary law; that it will expire in Feb. next, that it would be some time before H.M. disallowance could reach Jamaica, and that the duties raised by this law are in part applicable to the additional subsistence of the two regiments now in that island; considering also that we have lately proposed to H.M. that the soldiers of the said two regiments after filling up the independant companies their to their full complement may be disbanded and left in Jamaica for the defence of that island

1731.

[383]

provided the Assembly will settle them to their entire satisfaction, which must be a considerable expence to the Colony, we would submit to your Lordps. in the present situation whether it may not be adviseable to suffer this act even bad as it is to have its effect. But at the same time, lest the Assembly should be thereby encouraged to make any attempts of the like nature on the Trade and Navigation of Great Britain for the future, we would humbly propose that your Lordps. should advise H.M. to signify his dissatisfaction of this proceeding to Major General Hunter, and to command him upon pain of his royal displeasure to adhere more strictly to his instruction for the future. And since the Assembly of Jamaica have made so bad an use of H.M. indulgence to them in his abovementioned Instruction, we would further propose that the Governor should be absolutely forbid for the future to give his assent to any law imposing duties upon slaves imported payable by the importer and upon slaves exported, that have not been sold in the island and continued there for the space of twelve months: But ye merchants are willing and we have no objection to their laying duties upon the purchase of slaves in Jamaica, to be paid by the purchaser, and not by the importer, provided the South Sea Company and their Factors be exempted from paying any duties for such slaves as shall be consigned to them, or which they may purchase there from the traders to the coast of Africa in order to fulfill the Assiento contract. And should your Lordps. concur with us in opinion with respect to the future regulation of these duties, we would take leave to propose that the same might be made a general rule for all the Plantations, and that Instructions may be prepared accordingly for H.M. Govrs. of the several Colonies in America. [C.O. 138, 17. pp. 344-349.]

Aug. 26.
Hampton
Court.

383. John Coureand to Governor Belcher. Encloses following by order of the Duke of Newcastle. *Signed*, Jno. Coureand. *Annexed*,

383. i. H.M. Additional Instruction to Governor Belcher. Hampton Court, 13th Aug. 1731. As proposed Aug. 10, *supra*. *Copy*. *Signed*, G. R. [C.O. 324, 36. pp. 282-284.]

Aug. 26.
Whitehall.

384. Mr. Wheelock to Robert Lowther, late Governor of Barbados. *Enquires* what the value of the perquisites of a Governor of Barbados may be, one year with another. [C.O. 29, 15. p. 231.]

Aug. 26.

385. Mr. Yeamans to Mr. Wheelock. *Submits* a book containing the collection of the general Acts of the Leeward Islands and of the Acts of Antigua, which was returned to Antigua for a public attestation at the request of the Board.

1731. [385]

A law is now subjoined confirming and establishing this collection, but relates only to the acts of Antigua, as it was conceived that the general laws could not be attested by the Legislature of Antigua *etc.* *Continues* :—"It was purely owing to recommendation of my Lords Commissioners signified to the Council and Assembly, I think, by the late Governor Hart, and the assurances that were given them that the collection when compleated should be printed at H.M. expence, that the island was at first induc'd to undertake this troublesome and chargeable work." *Prays* that the matter may be considered, and the law subjoined recommended for confirmation. *Signed*, John Yeamans. *Endorsed*, Recd., Read 26th Aug., 1731. 2½ pp. [C.O. 152, 19. ff. 64-65v.]

Aug. 27. **386.** Representation of the General Assembly of Barbados to the Council of Trade and Plantations. The said Island has for many years past been a very profitable colony to G. Britain, as well by its produce and import of sugar, rum, molosses, cotton, ginger and aloes, as by its taking off from thence great quantities of woollen and other manufactures and goods that pay duties to the Crown, (which by means of ye Barbados trade, are part consumed among the inhabitants of the said island, and other part thereof are exported from Great Britain to Africa and Madera and the Northern British Colonies, for the purchase of negroes, wine, fish and other goods for the use of this Island, and thereby numberless hands have been employ'd in H.M. Kingdoms and Territories, and great revenues have accrued to the Crown) and has also been a great support to H.M. Northern Colonies, and given a very great and profitable vent to their fishery and other produce as also to the produce of Ireland: Besides employing in those several trades great numbers of shipping and seamen *etc.*, and after all has used to leave a considerable ballance in England to the benefit of the national stock. The intrest of this Island and all other H.M. Sugar Colonies is closely united with that of Great Britain, and all those Sugar Colonies must ever be dependent on it, and be supply'd from thence, because they have no trade or manufactures which can interfere with those of Great Britain. Within these few years great improvements have been made by the French and Dutch in their Sugar Colonies, and great and extraordinary encouragements have been given to them, not only from their Mother-countrys, but also from a pernicious trade carried on to and from Ireland and the British Northern Colonies, and have to spare for Holland, Germany, Italy and other parts of Europe, and the French and Dutch Sugar Colonies have lately supply'd the Northern British Colonies with very large quantities of melosses, for the making of rum and other uses; and even with rum of their own manufacture, to the vast prejudice of H.M. Sugar Colonies, as rum is a commodity

1731.

[386]

on which next to sugar they mostly depend, and have had in return for such sugar, rum and molosses, shipping, horses, boards, staves, hoops, lumber, timber for building, fish, bread, bacon, corn, flower and other Plantation necessities, at as easy rates as H.M. subjects of the Sugar Colonies have. And the continual supplies received by the French and Dutch from the Northern British Colonies, have enabled them to put on and maintain a great number of slaves on their plantations, and to enlarge their sugar works and make new settlements in new fertile soils, and at the same time cost little, being now purchased chiefly with molosses, which before the late intercourse between the foreign Colonies and the Northern British Colonies, were flung away, as of no value. And thus the French and Dutch Colonies are daily improving, while H.M. Sugar Colonies are apparently declining, and instead of supplying, as they used to do, France and Holland, and many other parts of Europe with sugar, are now almost confined to the home consumption in Great Britain, and are in a great measure excluded from the Kingdom of Ireland, and the Northern British Colonies, who, instead of sending their produce as usual, to H.M. Sugar Colonies, and taking rum and sugar in return, do now often send it directly to the foreign Sugar Colonies in exchange for the produce of those foreign colonies : and whenever they do send their produce to the British Sugar Colonies, they insist upon being paid for it in cash, which they export to, and lay out among the foreign Sugar Colonies, in the purchase of the very same goods that they formerly used to supply themselves with from H.M. Sugar Colonies, to the enriching the foreign Sugar Colonies, and impoverishing His Majesty's. The mischiefs arising to H.M. Sugar Colonies from this commerce (which is apparently in derogation and evasion of the 5th and 6th Articles of the Treaty of Peace in America *etc.*, 1686), are very many and evident, and will increase more and more, if some effectual stop be not put to it. Martinico is now arrived to a very great pitch of prosperity and power, and affords new supplies of people for settling the neighbouring islands of Dominico, St. Vincents and Sta. Lucia ; and Guardaloupe, Grand-Terre, Marygalante, Granada and Cayene encrease and flourish in proportion : and on Hispaniola, the French spread so fast as to become formidable to their neighbours, whilst many of the planters in the British Sugar Colonies and particularly in this Island, have been and daily are necessitated to forsake their ancient well built estates and shelter themselves in Pennsylvania, New York and other Northern British Colonies. This apparent increase of the riches and power of the French Sugar Colonies is in great measure owing to the commerce aforesaid, which is destructive to the British Sugar Colonies, but highly advantageous to the French, who thereby find a vent not only for their sugar, but also for their rum and molosses *etc.*, and have those supplies of lumber,

1731. [386]

horses and plantation stores, without which they never could have enlarged or supported, nor can support their sugar plantations *etc.* Other causes contribute to make H.M. Sugar Colonies decline and the French Sugar Colonies flourish. The French Sugar Colonies receive the greatest encouragement from their Mother Country, and their duties are less than ours. The French King is daily sending men to his Sugar Colonies, and pays their passage thither, and maintains them there a year after their arrival. He encourages their trade to Guinea by giving a præmium for every negro imported thither from Africa. He remits one half of the duty upon such goods of the produce of his Sugar Colonies as are brought home in return for such negroes. He maintains the fortifications in his Sugar Colonies. He permits Spanish ships to trade with them, and particularly for pieces of $\frac{8}{10}$ in exchange for flower and other goods, wch. they get from the British Northern Colonies in return for their sugar, rum and molosses. He permits them to trade to the Spanish Islands of Margaritta, Trinidad and Porto Rico, and he allows them to send directly to the ports of Spain sugars of all sorts (except raw or muscovado sugars) and also all other goods of the product of the French Isllds. in America, paying a duty of one pr. cent. only on exportation, without first importing them into France. Whilst on the other hand H.M. Sugar Colonies have no such encouragements. The inhabitants of this and all other H.M. Sugar Colonies are obliged to carry their sugars and all other enumerated goods first into Great Britain, after paying in the Colonies where they are produced (Jamaica excepted) a duty of $4\frac{1}{2}$ p.c. in specie on exportation, before they can carry them anywhere else (except to the other British Colonies) and are obliged upon exporting them afterwards from Great Britain, to leave in England a duty of near 2 p.c., and are put to the risque of a double voyage, besides the charge of it, which amounts to not less than 20 p.c. more. H.M. subjects of this and other his Sugar Colonies pay upwards of 10 p.c. more than the French and Dutch do, for what sugar is carried to H.M. Northern Colonies and consumed there, by which means those Colonies are mostly supply'd with foreign sugar, to the prejudice of the Plantation duties (being part of the aggregate fund, which might otherwise be greatly increased) and altho' the French and Dutch subjects of the Sugar Colonies do so send their sugar as well as their rum and molosses to the Northern British Colonies, yet the subjects of H.M. Sugar Colonies are restrained from vending their produce to the French or Dutch Colonies, and at the same time H.M. subjects of the Northern British Colonies and Ireland have that advantage. And the French are at liberty to send their sugars directly to Ireland, without first importing them into Great Britain, and paying a duty there to H.M., which H.M. subjects of the Sugar Colonies are obliged to do, and they are supply'd with beef

1731.

[386]

and other provisions directly from Ireland on as easy terms as H.M. subjects are. Those and many other advantages the foreign Sugar Colonies, and especially the French have over H.M. Sugar Colonies, and particularly this Island, whom it has pleased the Almighty God in his good Providence to afflict lately in a more especial manner by a most violent tempest and hurricane, which began on the 13th day of this instant August, and lasted all that and the succeeding day, with the utmost fury, to the inexpressible terror and immense damage of the inhabitants, who have had not only a great many of their corn-fields, plaintain-walks, fruit and timber trees blown down, broken or torn up by the roots, and their canes damaged, but their dwelling-houses, windmills, boyling-houses and other their best and most substantial buildings, some of them wholly demolished, and others overset, rent, uncover'd or otherwise greatly damnify'd; and so general has the calamity been, that there is scarce a person throughout the whole Island but who has received a considerable loss by this dreadful storm, the consequences of which are still more grievous, for that there is not in this Island (nor has been here for some years since that pernicious trade between the Northern British Colonies and the foreign Sugar Colonies began) lumber sufficient to repair a tenth part of the buildings damaged by this tempest. This scarcity of lumber is one of the many mischievous effects of that trade, and great is the number of our poor inhabitants, who now have no place to lay their heads in, and ly exposed to all the injuries of the approaching rainy season for want of those northern supplies which our neighbours the French are plentifully furnished with. So great is our present desolation that many of the poorer inhabitants, unable to rebuild their ruined houses, will be driven to quit the Island; and thus our strength decays, and at the same time the exorbitant power of the French at our very doors, threatens us with instant destruction in case of a war. For their isles are full of men and arms, whilst the inhabitants of this Island grow every day thinner, and want almost everything necessary for their defence. But should a war not happen, yet the British Sugar Colonies will still be in danger of being lost to the British Nation, unless some speedy care be taken to save them from the ruin now impending over them; and if they are lost, Great Britain will lose the export of all the British manufactures now taken off by the Sugar Colonies, and the whole benefit arising from the importation of their product. Our Navigation and seamen must necessarily fall off and diminish, the African trade as chiefly depending on the Sugar Colonies must decay: and our sugar-works and other plantation stock and utensils become of no use, and thereby so much wealth will be sunk and lost to the British Nation. And in that case too, such of the Northern British Colonies as now court a French trade and French dependance, will soon be

1731. [386]

reduced to a condition too wretched to be named, and an end be put to the British Empire in America ; But may God avert those evils ! Nor are we without hopes that the British Sugar Colonies may still be preserved, and even restored to their former flourishing condition, if timely measures be yet taken for removing the many and great disadvantages they now ly under in point of trade ; and proper encouragement be given them. Whether a prohibition of the importation of all sugar, rum and mellosses of the growth, product or manufacture of any of the Plantations in America, which are not in the possession of or under the dominion of His Majesty, into the Kingdoms of Great Britain or Ireland, or any of H.M. Colonies or Plantations in America, or any other H.M. British Dominions, or a total prohibition of trade between the Northern British Colonies and the foreign Sugar Colonies, or of any particular branches of trade, as namely those of horses and lumber, or the granting H.M. subjects of the Sugar Colonies the like advantages in their trade, as the subjects of the foreign Sugar Colonies now actually have, whether all or any of these, or what other measures in particualar may be proper and sufficient to attain the good ends desired *etc.*, we presume not to say ; but humbly hope that your Lordships will be pleased to take the premises into consideration and thereupon do what to your Lordships in your great wisdom shall seem fitting. Read and agreed to nemine contradicente 27th Aug., 1731. *Signed*, Robt. Warren, Clk. of the Assembly. *Endorsed*, Reed. (from Mr. Foster) 25th, Read 28th Oct., 1731. 3½ *large pp.* *Torn.* [C.O. 28, 22. ff. 132-133v.]

Aug. 27.
Boston.

387. Governor Belcher to the Duke of Newcastle. Since the closing my last I have by the advice of H.M. Council adjourned the General Assembly for a month, altho' there's no money in the Treasury for the defence of H.M. Government and the protection of the inhabitants. I now inclose the Representation mentioned to be made to the several towns, and I earnestly pray for H.M. especial order in this important affair. *Signed*, J. Belcher. .1 p. [C.O. 5, 898. No. 95.]

Aug. 27.
Boston.

388. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, J. Belcher. *Endorsed*, Reed. 9th, Read 19th Oct., 1731. 1 p. *Enclosed*,

388. i. Journal of House of Representatives of the Massachusetts Bay, Aug. 18, 1731. *Printed*, by Thomas Fleet. *Endorsed as covering letter.* 14 pp. [C.O. 5, 873. ff. 220, 221v.-228v., 229v.]

Aug. 28.
Hampton
Court.

389. Lord Harrington to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Harrington. *Endorsed*, Reed. 29th, Read 31st Aug., 1731. 1 p. *Enclosed*,

1731.

389. i. Extract of letter from Mr. Finch, H.M. Envoy Extraordinary at Stockholm to Lord Harrington. Stockholm 5th May, 1731. There is a project to carry on at Gottenburg a trade directly to the West Indies, in order to buy raw sugar and tobacco at first hand which are to be refined and manufactured here, a ship is actually bought for this trade, but so great a mystery is made of it, that I cannot give your Lordship any distinct account about it, tho' I am told that it is grounded on a grant of some place in America made formerly by the Dutch to a Prince of the House of Hanau, an account of which is to be found in Dr. John Becker's Political Discourses in Dutch *p.* 1032 *etc.* *Same endorsement.* *Copy.* $\frac{3}{4}$ *p.*

389. ii. Extract of letter from *Same* to *Same*. Stockholm, 11th August., 1731. *Continues:* Besides [*the above grant*] Count Bonde told me that they have their view on the Island of Tabago, which it is said was granted by King Charles II to James, Duke of Courland, the present Duke offering now to make a cession of it for a summ of money to this Crown. Count Bonde desired me in a friendly manner to inform him if I knew any particulars relating to this matter, and whether the Crown of England had still any pretensions to it in order to form the opinion of the Chancery *etc.* I have sent to Upsala to see if anything is to be found in Rymer's *Fœdera* relating to it *etc.* *Same endorsement.* *Copy.* $1\frac{1}{2}$ *pp.* [*C.O.* 388, 30. *ff.* 247. 28.]

Aug. 28.
Horringer.

390. Capt. Davers to Mr. Brudenell. I find some people are very solicitous to have my seat in Counsell in the Iland of Barbadoes, insinuating that I never intend to goe there again *etc.* My interest will oblige me to goe there if my inclinations did not prompt me to it *etc.* *Hopes to be continued in the Council etc.* *Signed,* J. Davers. *Endorsed,* Reed., Read 31st Aug., 1731. *Holograph.* 1 *p.* [*C.O.* 28, 22. *ff.* 85, 86v.]

Aug. 30.

391. Sir W. Keith to the Council of Trade and Plantations. Haveing observed with great attention what was said at the Board on last Wedensday to the Switz petitioners *etc.* (*v.* 10th Aug., 1st Sept.), and being myself fully convinced of the many and great advantages which would most certainly accrue to the public interest of this Kingdom by such a settlement, I should be very sory if so noble a design was altogether laid aside *etc.* *Continues:* If H.M. could be moved to appoint a fit person with proper authorities to grant those lands to such as should actually come to setle there, under the same conditions which were proposed by the Board to the Switz petitioners, I am perswaded the encouragement could be sufficient to invite

1731. [391]

forreigners as well as others thankfully to accept of it *etc.* As the person so appointed must be invested with the necessary powers of governing and directing the first settlement of so important a Colony, he ought to be a man of experience in military as well as civil affairs, possessed of a character in all respects equal to the trust and likeways upon the spot to execute it with effect. Collo. Spotswood whose present situation in Virginia is in a maner contiguous to the proposed settlement seems to be of all others the fittest person *etc.* His integrity and great abilities are well known to your Lordships *etc.* Your Lordships will do me the justice to believe, it is my regard for the public service, and not any privat view to myself which has induced me to lay these maters before you *etc.* *Signed,* W. Keith. *Endorsed,* Recd. 30th Aug., Read 21st Sept., 1731. *Holograph.* 1 $\frac{3}{4}$ pp. [C.O. 5, 1322. ff. 177, 177v., 178v.]

Aug. 30. **392.** Mr. Wheelock to Mr. Fane. Encloses, for his opinion
Whitehall. in point of law, act of Antigua, 1731, to enable *Henry Lyons of Antigua, gent., to dispose of certain lands etc.* [C.O. 153, 15. p. 111.]

Aug. 31. **393.** Council of Trade and Plantations to the King.
Whitehall. Storehouses have been lately built at your Majesty's expence, at English Harbour in Antigua, which has been thought a proper place for careening and refitting ships of war on that station *etc.* The people of Antigua have granted your Majesty a proper tract of land contiguous to the said harbour, upon which they have at their own charge erected a stone fort for the defence of your Majesty's ships and storehouses and they humbly pray that your Majesty will be pleased to grant them twelve peices of cannon, to be mounted in the said fort, six of which they desire may be twelve-pounders and the rest eighteen pounders, with carriages, rammers, sponges, ladles, and all other necessities requisite. Whereupon having discoursed with Colo. Cosby, considering that it is highly expedient for your Majesty's service, both for the defence of the said storehouses, and the security of the harbour, that the fort should be furnished with proper ordnance and the necessary stores of war, we take leave humbly to propose that your Majesty should be graciously pleased to comply with their request. [C.O. 153, 15. pp. 111–113.]

Aug. 31. **394.** Address of Members of Council, Judges, Justices and
Portsmouth in New other officers and inhabitants of New Hampshire to the King.
Hampshire *Refer* to former address expressing gratitude for continuing a
in New Governor so acceptable to the people. *Continue:* Notwith-
England in standing which, some restless persons for about three weeks
America. past, have been endeavouring to disquiet the minds of the
weaker sort amongst us in order to memorial "the Governour

1731. [394]

to the Lords of Trade *etc.* as a person not a friend to the Province, and to pray that New Hamps. may be no longer under the Governour of the Massachusetts Bay; weh. essay gives birth to the present Address *etc.* For in duty to our Sovereign, in honour to our Governour, in faithfullness to the Province, and in justice to our-selves we cannot be dumb on such an occasion, but most humbly crave leave to bear testimony against an attempt (tho' never so unlikely to succeed), weh. tends to sap the very foundation of our happiness *etc.* Your Majesty's Councill can witness the Governour's solicitous concern for the settlement of the divisional line between the two Provinces, and his unwearied endeavours to accomplish it with the strictest impartiality; which is what we earnestly supplicate may have as speedy an issue as is consistant with your Majesty's royal pleasure; for the longer the difference lyes open, the greater are the mischiefs weh. attend it. But to return to His Excellency, What is it that we can't all say, (without a compliment) even the little number of discontented, themselves, in praise of our Governour whose administration is so wise, so just, so equal, and to such universall acceptance, and who will without any question make such unbiased remonstrances to your Majesty upon this unfortunate misunderstanding as may be a means at last to bring it to a happy issue. May it please your Majesty, this your Majesty's Province is so small, the people so few and in general so poor that it makes the settlement of the lines still more necessary, and is no bad argument to enforce our humble request for being continued under the Governour of the Massachusetts Bay, and especially him who at present is, and we hope will long continue in that station. For we have done our utmost already, even to our almost undoing, in fixing so large a sum for the Governour's sallary, pursuant to your Majesty's Instruction, and if more should be required to support the dignity of a resident Governour, we can forsee nothing but inevitable ruin: and besides if we should again be visited with a French or Indian war, or both (as at this juncture we are threatened,) then yet more deplorable would our condition be, for now we can ask succours (as occasion may require) from the common Father of both Provinces, with hopes of success; but how it may be upon a different footing God alone knows. Numberless arguments we humbly concieve might be used to induce yr. Majesty's favour in continuing us under our present Governour, but your Majesty's consummate wisdom, as well as goodness makes them unnecessary, and as we know what has been offered (by any who are the troublers of our Israel) in a way of impeachment of H.E. conduct, can't fail of redounding to his honour (even without a reply) so we shall attempt no particular answer, but leave that to himself if he shall think it worth his while. *Pray for H.M. long and glorious reign etc.,* "and when the

1731. [394]
period of mortal life expires, that your Majesty may be translated to the mansions of bliss, and there reign with the King Eternal for ever and ever. With humble obeysance we now withdraw from your Majesty's presence" *etc.* 72 signatures. 4 pp. [C.O. 5, 10. ff. [92-93v. old.]]
- Aug. 31. **395.** Mr. Popple to Robert Jackson, late Minister in Sweden. Whitehall. The Board desires to speak with him concerning some papers referred to them relating to trade from Sweden to the West Indies, and concerning Tobago. [C.O. 389, 28. p. 453.]
- Aug. 31. **396.** Mr. Wheelock to Robert Jackson. The Board desire Whitehall. the favour of speaking with you *etc.*, having under consideration some papers referred to them received from Mr. Finch, H.M. Envoy Extraordinary in Sweden relating to the trade between that Kingdom and H.M. Dominions. [C.O. 389, 28. p. 453].
- Aug. 31. **397.** Governor Belcher to the Council of Trade and Boston. Plantations. *Abstract.* He wishes he was rid of Lt. Govr. Dunbar, who, he hears, is representing that he has debarred him of all the perquisites of a Lt. Governor, which he supposes arises from his orders relating to passes for vessels to pass the fort. It is doubtless the Lt. Governor's duty to give them in the manner he directs, but suspecting that he would not do so, he sent passes of his own, that the trade might not suffer. Thereupon, the Lt. Gov. sent (27th Aug.) a paper to the Collector, copy enclosed. Till he refused signing the passes in conformity with these orders, he always gave them and received the perquisites of them. The great difference between them is whether he shall control the Governor, or be subject to him. He will suffer no insult from Col. Dunbar. For 30 years it has been ruled from home, that the Governor of both Provinces was always present in each when in either, and the Lieut. Govr. did everything by the Governor's orders; and the late Lt. Govr. Vaughan was dismissed in Govr. Shute's time for presuming to do otherwise. If the present Lt. Govr. will behave with proper respect and good manners, and ask him, as a favour, for what his predecessor enjoyed, he shall have it. He hopes the Board will never countenance the thirst he has to subvert all good order and government. *Signed, J. Belcher. Endorsed, Recd. 15th, Read 19th Oct., 1731. 2 pp. Enclosed,*
397. i. Copy of Aug. 20 encl. vii. *Subscribed,* Whereas the chief Governor has sent blank lett passes from Boston for all vessels to pass the port and is pleased to claim all perquisites, he may also send blank registers and all other papers for which there are fees paid *etc.* for I do not think fit to do any act, whereby to receive any perquisite till the question is decided *etc.* *Signed, David Dunbar. Copy. Endorsed as preceding. 2½ pp. [C.O. 5, 873. ff. 230, 230v., 231v.-233v.]*

1731.

Sept. 1.
Whitehall.

398. Mr. Wheelock to Horatio Walpole. *Encloses* Mr. Attorney and Solicitor General's report upon the right to lands between the Rivers Kennebeck and St. Crois, upon which, being judged a matter of great consequence as well in regard to H.M. Quit-rents in the Plantations as in other respects *etc.*, my Lords Commissioners will be glad to confer with you, as a Member of the Board, *etc.* [C.O. 5, 916. p. 432.]

[Sept. 1.]

399. Mr. Ochs and Mr. Stauber to the Council of Trade and Plantations. Return thanks for favourable reception of and offer their final proposals, as suggested by the Board. As to the Board's view that the intended Colony should not be charged with the maintenance of a Governour, *submit that* the success of the Colony will be chiefly in the conduct of the managers, who will be at great expence in collecting settlers from Germany and Switzerland, providing passages and cattle for them, planting white mulberry trees for silk-worms, mills and tools *etc.* Mr. Stauber has already spent 200*l.* and two years' time, and will require at least 100*l.* more to engage and conduct the people for the first time *etc.* As their Lordships do not incline to grant a certain district of land as was desired *etc.* the managers therefore humbly desire to be granted the privilege to dispose of all the land that shall be taken up within 10 years from their first arrival at 10*l.* sterl. pr. 100 acres, more or less according to the quality of the land *etc.*, which sum will be saved to the people in the first year in the passage buying of cattle *etc.*, and that the two managers may be granted a certain quantity of land free for ever from quit-rents *etc.* "But it is to be hoped that Mr. Bury's proposal is not to be instanced to this Colony for the different situation and labour, and if their Lordships knew his circumstances and conduct they would take no notice thereof." If the Board find it necessary, though nobody would be willing in the interest of the Colony to appoint one of the Managers as Governor, without some appointment, yet one of the Managers, though he would rather be without the trouble, will submit to their proposals and terms *etc.* The fixing of the quit-rent *etc.* is submitted to their Lordships' discretion *etc.* Naturalisation is desired for all Protestants that settle there in general, or for a small charge to have a naturalization granted by the Governor. It is desired that the laws of this Kingdom may be administered in German *etc.*, and to have liberty to make laws and ordinances with the approbation of the Government, like other Colonies. If their Lordships would ordain that all Protestants without distinction of opinion might equally enjoy all privileges and rights alike, it would much add to the increase of the Colony, which had so great an effect in Pensilvania, that the people resorted thither in much greater numbers. This Colony being an inland country, the inhabitants are obliged to pass through other colonies, as Virginia, Maryland and Pensil-

1731. [399]

Pensilvania *etc.* It is desired that these Provinces may not have power to lay any duty or custom upon their goods passing through their Colonys, nor for the selling of their horses, cattle or production in the sayd Colonys. As the language of this people is German, desire that they should always have in future a Governour appointed to them of the best qualify'd person among them, of which the Assembly to nominate 2, 3 or more persons and the Government to chuse which would be most acceptable thereof *etc.* As this Colony is to be a new Province under the Government of the Crown, it is humbly presumed that the Commission, Patent and required instruments will be delivered without charge, which their Lordships are desired to procure with as much expedition as possible. *Endorsed, Reed. 1st, Read 21st Sept., 1731. 3 pp. [C.O. 5, 1322. ff. 175-176v.]*

Sept. 1:
Whitehall.

400. Mr. Wheelock to Mr. Carkesse. Governor Worseley having acquainted my Lords Commissioners (20th Nov. 1730), that a merchant of Barbados sent thence to Sta. Lucia English carpenters with ironwork, plank, masts, sails, cordage and all necessaries for building and fitting a ship to sea, the timber only excepted; and afterwards made application to him to register her, which he refused; and that he has since heard, application has been made to the Commissrs of H.M. Customs in London upon that subject, *etc.*, *enquires* whether any such application has been made, and what has been done therein. [*C.O. 29, 15. p. 232.*]

Sept. 1.
Whitehall.

401. *Same* to Humphry Morice, Micajah Perry and Richard Harris. My Lords Commissioners desire you, or any other of the Gentlemen concerned in the petition relating to the recovery of debts and the partiality of some duties in the Colonies and Plantations *etc.*, will lay before the Board by the first opportunity as particular an account as may be of the facts complain'd of, as likewise of the several acts and the Colonys where the same have been pass'd, whereby the Plantations favour themselves in prejudice of this Kingdom, and so soon as their Lordships shall have perused the same, and compared them with the acts and papers in their office, on that subject, they will appoint a day for hearing the petitioners in order to their relief. [*C.O. 324, 11. pp. 246, 247.*]

Sept. 2.
Custom-
house,
Rhode
Island.

402. N. Kay to the Council of Trade and Plantations. I had some years since your commands *etc.* to send any laws made in this Government that might be prejudicial to great Brittain. In pursuance of which I have from time to time sent the acts made for the emitting bills of credit, upon land securitie, which amount to more than 120,000*l.* now standing out: and notwithstanding H.M. commands to other Governments, not to issue out any such bills; this colony in their last General

1731. [402]

Assembly hath passed an act for emitting 60,000*l.*, upon land securitie, to be lett out at interest ; and tho' the present Governour, the Honourble. Joseph Jenks Esqr., would not give his sanction to itt. Which being so great a grievance ; the best of H.M. good subjects here have presumed to petition his royall and sacred person ; and our Governour resenting the indignitie offer'd to him, hath made his Address to the King *etc.* All the papers proving these matters of fact are sent to Mr. Thomas Sandford, a very worthy gentleman and mercht. of London, and will be laid before your honourable Board *etc.* Signed, Nathl. Kay. *Endorsed*, Reed. (from Mr. Sandford) 9th, Read 12th Nov., 1731. *Holograph. 2 pp. Enclosed*,

402. i. Petition of several inhabitants of Rhode Island to the Council of Trade and Plantations. Rhode Island in New England, 30th Aug., 1731. We having presented a memorial at the last sessions of our General Assembly to prevent the emitting of more bills of credit, to be let out at interest upon land security ; and having no redress from that honoble. body ; but on the contrary another publick act made by them for emitting 60,000*l.*, have presumed by the hands of Mr. Sandford *etc.* to lay before your Lordships our memorial presented to the General Assembly ; after their reading of which, and hearing our Councils arguments thereon, they made the said act, and have emitted the money without the assent of the Governr., who hath now address'd himself to our gracious Sovereign Lord the King in a letter enclos'd with our papers to Mr. Sandford, *etc.* After we had taken out copies of our memorial *etc.*, and of the said act, with the Governor's dissent thereunto, which was given us by the Secretary with proper attestations. The Deputy Govr. John Wanton Esq. hearing of these proceedings, immediately summon'd in the General Assembly ; which the Govr. wou'd not do : and the said Assembly took away all our attested copies before mention'd, made an addition to their act, and order'd our memorial to be dismist in this torne and tatter'd manner, which are humbly conceiving to be exceeding injurious to H.M. faithfull and loyal subjects, and presuming upon your Lordships' patronage, Have made our most humble and most dutiful petition to our gracious Sovereign and praying your Lordships favour for Mr. Sandford's access, and having no other view, but what is sett forth in our humble memorial : If any objections be made against it ; we humbly pray for a favourable hearing, that we may approve ourselves. Signed, Nathl. Kay, John Brown jr., and 17 others. *Endorsed as preceding. 3 pp.*

1731.

402. ii. Act of Rhode Island for emitting 60,000*l.* in bills of of credit. June, 1731. *The act concludes*: Major Thomas Fry and Capt. Benjamin Ellery protest against the aforesaid act *etc.* as being an infringement on the King's prerogative. *Copy*, examined by R. Ward, Secry. *Same endorsement.* 5½ pp.

402. iii. An additional act of Assembly of Rhode Island, Newport. 3rd Aug., 1731. This Assembly having considered an addition at the foot of the act of Assembly made and past on the 14th June, 1731, for emitting 60,000*l.* *etc.*, entred in these words, his Honr. ye Govr. dissents from ye said vote, Do declare the same to be no part of sd. act of Assembly and that said act be noways encumbred thereby, but that the said dissent be deemed null and void for the following reasons:—(i) For that the said act was made and past at the sessions began on 14th June 1731, and continued till 24th June and no longer as may appear by the records *etc.* and that during said time the Genl. Assembly were not apprised or knowing of any dissent but caused said act to be published and the same has taken effect and proceedings have been made thereon accordingly. (ii) For that it appears said dissent was given in to the Secry. and entred on the 25th June, which was one day after the rising of sd. Genl. Assembly, which is conceived inconsistant with all rule and methods of proceeding it not being in the power of the Legislative authority to act except when duly conven'd much less for any single member to incumber any act by dissenting or protesting after the rising of the Court. (iii) For that it is not clear what vote sd. dissent referred to there being many votes preceeding the same. (iv) For that the aforesaid post entry of sd. dissent depriv'd the Genl. Assembly of the benefit of considering the consequence thereof. *Copy. Signed and endorsed as preceding.* 1½ pp. [C.O. 5, 1268. ff. 21–23v., 24v., 26–28v., 29v.–30v., 33v.]

Sept. 4. **403.** Certificate re lands in Carolina to same effect as 17 July *supra*, no. 305. *Signed*, Henry Bertie. *Endorsed*, as July 17. ½ p. [C.O. 5, 362. ff. 32, 35v.]

Sept. 4. **404.** Governor Burrington to the Council of Trade and Plantations. *Abstract. Refers to* letter of 1st July. In spite of opposition in the House of Burgesses, spirited up by some of the Council, he has kept the country in perfect peace, and entirely stopped the riots which used to be so frequent. The rioters were headed by Edmond Porter, Judge of the Admiralty,
North Carolina.

1731.

[404]

a man of so infamous a character that it would be for H.M. service if he were removed from the Council. Mr. Smith, late Chief Justice, has secretly left for England, promising to obtain the removal of the Governor *etc.* He has left with the character of a silly rash boy, a busy fool and egregious sot. He is, besides, an ungratefull perfidious scoundrel, and as much wanting in truth as in understanding *etc.* Owing to his absence and that of other Councillors, he has had difficulty about holding a General Court and Court of Admiralty, besides a dispute with Mr. Smith about the Governor's power to fill vacancies in the Council. Recommends Mr. Lovick for the Council, against whom neither Sir Richard Everard nor Porter had the least evidence to support their complaints. "We expect our Indians will be attackt by those of S. Carolina *etc.* The Five Nations are in alliance with ours, and have promised to assist them with 1000 men, part of which are already come into this Province." Has sworn Mr. Lovick as a Councillor, and also Edmond Gale, and appointed John Palin Chief Justice. Believes Mr. Porter will trouble the Board with his reasons against his appointing Councillors, of which he encloses a copy and answers. Porter is a man of infamous character *etc.* A new Assembly is to meet in November, but no good can be done until H.M. pleasure is known upon the pretended laws of 1729, after H.M. purchase was completed, and as to quit-rents *etc.*, and officers' fees being paid in proclamation or bills as rated by the Assembly. Proposes to prorogue the Assembly until instructed on these points. Refers to former remarks on Act relating to escheated lands. Has refused to grant patents for such lands, as he finds that law not consistent with his 43rd Instruction. Gives further reasons against the Act for biennial Assemblies, and proposes to alter the present distribution of seats, settled by that act, which also allows all freemen to vote for burgesses, contrary to his 12th Instruction that none but freeholders be admitted to vote, which has occasioned a great deal of heat among the people. Hopes the Act will be repealed. Awaits the arrival of an Auditor before sending public accounts, very little money having as yet been received or paid, and there being no Auditor, Receiver General or public Treasurer. A multiplicity of business and a dangerous sickness have hitherto prevented him from surveying the harbours in accordance with his 100th Instruction. It will be a work of some difficulty and expence. The inhabitants declare very much against fortifications, but as there are three harbours capable of receiving large ships, some must be erected. Will report thereon before Christmas. Gives an account of the value and currency of the bills of credit. A pistole is not to be purchased under eight pounds in bills. English goods sell from 15 to 20 in bills above their cost price in England, but if the bills are allowed by H.M. to be current, believes they will soon come to the value they are rated, which

1731.

[404]

is four for one in Proclamation money. Mr. Moseley was much concerned with Sir R. Everard in taking up lands. When the enquiry into the complaints against Sir Richard were begun in Council Mr. Smith, Mr. Porter and Mr. Ashe succeeded in stopping it. Has had information of malpractices by Mr. Moseley and his deputies in returning to the Secretary's office imaginary surveys, by which his relations hold great quantities of land more than are specified in their patents. Explains his own purchase of some lands which he is assured will be the subject of complaint against him. He heard that Indians took up ore on those lands of which they made bullets. He gave more for them than they are judged to be worth. They are 100 miles above the falls of Cape Fear River. The greater part he bought of Moseley, the great landjobber of this country, who has still 20,000 acres to sell when he can find purchasers. Gives a state of the Council and proposes persons for vacancies. Some of the owners of lands gained by the new boundary with Virginia refuse to take out patents for them, on which he desires instructions. Will send an account of the Militia, and of improvements that may be made in the county, which entirely depends upon the quit-rents that are to be paid for lands to be taken up, and opening a port on Ocracoke Island *etc.* Many people have come into the country to settle lately; more are coming from neighbouring colonies, notwithstanding there is but one entry for taking up land, neither has the person who made the entry gone on with the survey by reason of the quit-rent *etc.* "When I undertook the settlement of the Southern part of this Province (with consent of the Proprietors' Council) warrants were given to people that were disposed to settle there, by which inducement a great many people did then seat lands in that uninhabited country and have not since had patents. I think it will be hard upon these people to be removed, many of them would be ruined. I pray your Lordships' directions in this tender affair. *Printed*, N.C. Col. Rec. iii, 202. *Signed*, G. Burrington. *Endorsed*, Recd. 16th Nov., 1731, Read 16th June, 1732. 16 pp. *Enclosed*,

404. i. Opinion of E. Porter in humble manner to H.E. 27th July, 1731. There being seven members of Council in the Province, thinks no other can be admitted to Council until H.M. pleasure be known. *Signed*, E. Smith. *Endorsed as preceding*. *Holograph*. 1 p.

404. ii. Mr. Byrd to Governor Burrington. Virginia. 20th July, 1731. *Acknowledges* letter. *Continues*: I think *etc.* that country will cost a pretty deal of trouble to bring it into order, and a less spirit than yours will never be able to affect it, people accustomed to live without law or gospel will with great reluctance submit to either. It must be owned North Carolina

1731. [404. ii]

is a very happy country where people may live with least labour that they can in any part of the world, and if the lower parts are moist, and consequently a little unwholesome, everywhere above Chowan, as far as I have seen, people may live both in health and plenty *etc.* I should be very glad to follow so good a pattern as yours, to make such distant lands proffitable in my time. It is true the soil is good *etc.*, but transporting the fruits of our labour to a market makes all the difficulty *etc.* *Enquires* as to terms of settlement *etc.* and how a highland territory can be made immediately profitable *etc.* Wishes him success in reducing that anarchy into a regular Government *etc.* *Concludes* :—I'm informed there is a subscription in England for settling an hundred familys of poor debtors on Savana River, which I fear will prove a grave for them. They had better send them to North Carolina. *Signed*, W. Byrd. *Copy*. "I sent the original to the Speaker of the House of Commons" *etc.* *Signed*, G. Burrington. *Endorsed as preceding*. 1 p. [C.O. 5, 294. ff. 1–12v. (with abstract)]; and (abstract only, with marginal notes for reply) 5, 327. pp. 18–26.]

Sept. 4.
Custom
House,
London.

405. Mr. Carkesse to Mr. Popple. In reply to 1st Sept., encloses following opinion, which was taken and laid before the Board in Aug., 1730 by some merchts. of this City, upon which they sent a copy to their Offrs. in Barbadoes for their Governmt. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 7th, Read 22nd Sept., 1731. 1 p. *Enclosed*,

405. i. Opinion of Attorney General, 3rd Aug. 1730, upon question of registering a vessel built at St. Lucia by a merchant of Barbados *etc.* St. Lucia being expressly within the Commission granted by H.M. to the Govr. Barbadoes, I think that alone, without entring into a nice enquiry concerning the property or possession of the island, is sufficient to entitle an English merchant, who hath caused a ship to be built there at his own expence with timber of the growth of that place to have his ship registred either in Barbadoes or in England. *Signed*, P. Yorke. *Copy*. 1 p. [C.O. 28, 22, ff. 95, 96, 98v.]

Sept. 8.
Virginia.

406. Lt. Governor Gooch to the Council of Trade and Plantations. Having seen the bill which passed the House of Commons the last sessions, a bill for the better securing and encourageing the trade of H.M. Sugar Plantations, and the vote wherein it was resolved to address H.M., that the Lords of Trade *etc.*, I did presume to think, notwithstanding the great variety of pamphlets published on the subject, something might

1731.

[406]

be said from the Southern part of the Continent that would be acceptable to your Lordships *etc.* The main scope of this bill, as appears by the preamble, is to prohibit all trade from H.M. Plantations on the Continent of America to any of the foreign Sugar Islands, and this in order to promote the welfare and prosperity of H.M. own Sugar Islands. If this could be accomplished without notable prejudice to the other Plantations at least equally valuable, and of as much consequence and importance to the Navigation, strength and wealth of Great Britain no man would envy the Sugar Colonies any benefits which the indulgence of their Sovereign, or the benevolence of a British Parliament should think proper to conferr: But if the prohibition desired shal appear manifestly injurious to the Provinces on the Continent, who may humbly hope for an equal share of the affections of their Mother Country, it may be expected that all measures will be discouraged which tend to raise the grandeur of one part of H.M. Plantations upon the ruin of the other. The commoditys with which the Plantations on the Continent supply the Sugar Islands are flower, bisket, beef, pork, fish, staves, heading and all kinds of lumber: in return of which the Continent receive chiefly, sugar melasses and rum. And it must be observed that as the Sugar Colonys could not subsist without such supplies from the Continent, so are they generally so great plenty, that they often spare of these provisions to the French and Dutch, the merchants of Barbados and the Leeward Islands being the first that taught the people of the Continent to find out a market in the foreign Islands for those superfluous commoditys our own could not consume, In like manner when the crops in our Sugar Plantations have happened to miscarry, as they frequently do through great droughts or hurricanes, the same merchants thought it no way inconsistent with the interest of their own sugar colonys to purchase from their foreign neighbours the commoditys necessary for the people on the Continent, and even to furnish the British markets with the same. The plenty of all kind of provisions with which the Plantations on the Continent abound being more than sufficient to supply the Sugar Islands, it seems, not a little hard, to prohibit them from seeking a market where they can find one: But it will appear very impolitic to cramp their industry by the prohibition proposed, for the following reasons: First, most of the Northern Colonys have scarce any other way of making remittances to Great Britain than by the provision and lumber they export to the West Indies, and the sugar they ship there for England to purchase such necessities as they want from thence: and whether these returns be made in sugars of the product of H.M. islands or of those of foreigners, Great Brittain is still the mart for both, and the returns the Continent receive are in British manufactures. But if they can find no other vent for their provisions and lumber than

1731.

[406]

what H.M. Sugar Islands afford, the remittances for Britain, and their consumption of British manufactures must be proportionable diminished, and the people forced by necessity to apply themselves to manufactures of their own to make up that deficiency. Secondly, as the French sugars and melasses are purchased commonly at half the price the like commoditys bear in the British Islands, it is with the former that the Northern parts of the Continent are chiefly supplied for their own consumption: and it needs no art to demonstrate that by this means the exports of the French Plantations to the European markets are much lessened, and that of the British Sugar Colonys not decreased, since all their produce which is not taken off by the Plantations must be carried to the British markets. Thirdly, this prohibition may often prove of ill consequence to the trade of Great Britain, as well as a detriment to the Plantations on the Continent: for since it frequently happens that the crops in the British Sugar Islands fail, as it is probable they will this year in particular, by the unseasonableness of the weather, it would not only be highly injurious to the Continent to deny them the liberty of supplying yourselves elsewhere, but it will also deprive them of the means of furnishing the British markets with foreign sugars, thereby still making Britain the general staple for the sugar trade, which otherwise upon any such accident must be transfer'd to another Nation. Fourthly, as the prohibition seems chiefly calculated to give the Sugar Islands an advantage over the rest of H.M. Plantations, in obliging the people on the Continent to sell their commoditys and take sugar melasses and rum at what price the West Indians think fit; it may not be amiss to consider the great disadvantages the inhabitants on the Continent already ly under with respect to their trade to the Sugar Islands, as thus. Very often their provisions yield little more than the first cost: that the charge for cask for rum and melasses, the commissions for storage and factorage, with the expence of the masters of the vessels trading thither, who have an extraordinary allowance over and above their pay, eats out the greatest part of the profits of the most prosperous voyages. Another very great advantage the Sugar Colonys have in trade is, that all the necessaries they want are brought to their doors without any risque to them, whilst the people on the Continent are forced to run the hazard outward and homeward, and that a great part of the commoditys purchased in the Sugar Islands for the Continent is with Bills of Exchange payable in Great Britain. Whereas on the other hand no instance can be given of any such payments for commoditys carried to the West India market. One would imagine that these advantages in trade, together with the benefit of their situation, which saves them the expence of cloathing their slaves, and is so great a charge to the Provinces on the Continent,

1731.

[406]

might well serve to content these Gentlemen, without asking further advantages over their fellow-subjects. However, let us now turn our thoughts to the effect this prohibition in all likelihood will produce. And it frequently happens that the pit the mischievous man digs, he falls into himself. Now tho' it must be confessed that the Provinces on the Continent through long usage can ill bear a total privation of rum, one of the principal commoditys with which they are furnished from the Sugar Islands, yet it is very evident they can easily provide themselves with spirits of equal goodness, whenever the people shal think fit to apply their industry that way. The more Northern Colonys are already so well improved in husbandry that they make malt liquor little inferior to any in England : and if the people of Virginia and Maryland should be forced by necessity, or disposed by choice to sett apart some of their best land, which they now solely employ in the production of tobacco, for sowing of barley, it is certain they might be as well supplied with malt liquor as any country in H.M. Dominions ; and so also might the Province of Carolina, where there is much good land proper for that grain ; so that there is no family in either of these Provinces, but what may furnish themselves with much cheaper and more wholesome liquor, than any they can be provided with from the West Indies ; and if their servants or slaves require the more spirituous liquor, there will be found little difference Malt spirits which may be made in plenty, and the rum of the West Indies now so highly prized, unless it be in the cleanliness of the materials of the first, compared with the nastiness of the last. Add to this the great quantitys of cider with which all the Colonys on the Continent abound, and they afford a sufficient fund to supply themselves with that kind of brandy, which, if well distilled, doth far exceed any rum the Sugar Islands have yet produced. Then as to the melasses, which in New England and the other Northern Colonys is only employed for distillation, and in the Southern Colonys on the Continent for brewing beer, there would be no manner of need of it for either of these uses, and thus the disadvantages the prohibition would bring the people of the Continent under, will very quickly fall upon the contrivers of it. They might then keep their rum and melasses to themselves, and be forced to send for their provisions and lumber at their own risque, and pay such price as those who will furnish them think fit to impose. Whereas, would they be content to enjoy the trade as it is now carried on, the people on the Continent would still be willing to take off their commoditys as they have hitherto done, tho' under very apparent inequality in all the branches of the trade between them. As to sugar it must be acknowledged that the Plantations on the Continent can hardly subsist without it, but then the people are not ignorant that it may be had as cheap from England as from

1731.

[406]

the place of its manufacture, allowing for the Plantation duty paid upon the exportation of sugar from the West Indies to other Colonys, and the drawback upon its exportation from Great Britain. But admitting that the British Sugar Islands and the Continent should mutually engage to carry on the projected trade, and should be able to subsist without foreign help, how are the gentlemen of our Islands sure that this prohibition will diminish the trade of the foreign Colonys: Have not the French new settlements going on both at the mouth of the Mississippi, and at Cape Breton sufficient to furnish their sugar settlements with lumber for cask, and with the ordinary application of that Nation may be able in a few years to furnish them with bread and other provisions; and if they want vessels for transportation, they may be supplied by the present owners of ships in New England, Rhode Island and Bermudas now the common carriers between the West Indies and the Continent, who would then have nothing else to do but to sell their vessels, unless they charitably delivered them up to their discarded mariners to seek their fortunes in the way of piracy, since 'tis morally impossible that such a number of stout fellows as are now employed in that trade, can content themselves to starve on shore. The Dutch indeed they have no settlements on the Continent to support their sugar plantations, but 'tis not to be imagined that they will desert them, if the West Indian gentlemen should prevail in their pursuit: for since it is well known the Dutch can afford without one stick of timber of their own growth to build ships much cheaper than their neighbours, it will be no great difficulty for them to find cash for their own sugar, without being beholden to the British Plantations; nor will they be under much greater difficulty to transport thither provisions, such as their settlements stand in need of, from Europe, when it is considered how many ships of force and great burthen they send annually to trade on the Spanish coast, which, besides their ordinary cargos, can stow each a large quantity both of staves and provisions, and deliver the same at Surinam and Curasso, where they generally touch without any considerable interruption to their principal voyage. Hence I think it appears that neither French nor Dutch will be much embarrassed by the prohibition of provisions or lumber; and as for horses, it will be found, upon a more strict scrutiny, that the number and value of them is so very small, that it was not worth while to mention them for any other reason than to shew that an horse is a creature which may be employed to turn a sugar mill on occasion, as well as to carry an officer out of the way of his duty, whilst an interloper is loading goods prohibited by the ordinances of the port, as most of the horse of any value carryed to the foreign islands are designed. Seeing therefore that this prohibition can have no other influence upon the foreign Sugar Islands, than to

1731. [406]

quicken their diligence in improving their settlements so as to want no supplies from us ; that it plainly tends to the increasing of the foreign Navigation, and at the same time lessens that of H.M. subjects ; that whatever specious pretences may have been used to induce the Honourable House of Commons to the passing of the bill, yet that the true design is to entail lasting disadvantages on H.M. subjects on the Continent, by obliging them to sell their commoditys to the West Indies at what price those people are pleased to give, and to receive payment at an advance on the goods they have in return, it will be no new thing if the inhabitants on the Continent get from under the load as soon as they can *etc.* To conclude, it is evident that for so much foreign sugars as shal be taken off by H.M. subjects on the Continent, whether the same be expended amongst themselves or carried to Great Britain, so much less of that commodity will be exported from these foreign colonys to Europe, where it is the interest of England to keep the markets under its own power ; and since it cannot be denied but that if Great Britain could engross all the sugar made in America, it would be of great advantage to the general trade of the Nation, I humbly offer to your Lordships' consideration, whether in the stead of this prohibiting bill, another might not be brought in, whereby all H.M. subjects may be permitted to carry to the foreign settlements all such commoditys as are not forbid by law to be exported thither ; that, continuing still the same restriction against the importation of goods of the growth, production or manufacture of Europe, all such enumerated commoditys as shall be laden at those foreign Plantations, shal be brought from thence directly to Great Britain, or some of H.M. Plantations under the severest penaltys ; and that if any of the said commoditys are to be again exported, the same shal be under the like bonds and restrictions as the commoditys of the growth of H.M. Plantations now are. Such an act would employ a great number of people on the Continent. It will enlarge the importation of sugars into Great Britain, and lessen that of our rival neighbours, besides many other advantages *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 10th Nov., Read 7th Dec., 1731. *Holograph.* 7 pp. [C.O. 5, 1322. ff. 187-190, 191v.]

Sept. 9. **407.** Certificate by H.M. Remembrancer that Lt. Gov. Inner Ogle has given security *etc.* *Signed*, James Pearse. *Endorsed*, Temple. Recd. 9th Sept., Read 27th Oct., 1731. $\frac{1}{2}$ p. [C.O. 5, 1268. ff. 20, 20v.]

Sept. 11. **408.** Rip Van Dam, President of the Council of New York New York. to the Duke of Newcastle. *Abstract.* Refers to letter of 1st July. He thought it necessary to summon to the Assembly in order to get a supply for the trading house at Oswego, the

1731.

[408]

building of a new fort at Albany and the renewal of the Militia Act and an Act for farming the excise, both of which were about to expire. They are still sitting and have taken into consideration the supply of Oswego, but have referred the building of the fort till another Sessions, the small pox raging, especially in this City, so that many Members are absent. Encloses his speech and votes of Assembly *etc.* *Signed*, Rip Van Dam. *Endorsed*, R. 3rd. $1\frac{3}{4}$ pp. *Enclosed*,

408. i. Journal of Assembly of New York, Aug. 25th-28th, 1731. Printed. 4 pp. [C.O. 5, 1093. ff. 168, 168v., 169v.-171v.; and (duplicate of covering letter, endorsed, R. Jan. 5th) 172, 173v.]

Sept. 11.
New York.

409. President Van Dam to the Council of Trade and Plantations. To same effect as preceding. *Set out*, N.Y. Col. Doc. V, 924. *Signed*, Rip Van Dam. *Endorsed*, Recd. 5th Nov., 1731, Read 17th May, 1732. 1 p. *Enclosed*,

409. i. Duplicate of preceding enclosure. [C.O. 5, 1056. ff. 3, 4v., 7-8v.]

Sept. 11.
Portsmouth,
New
Hampshire.

410. Lt. Governor Dunbar to Mr. Popple. *Encloses* receipt for letters sent on 23rd Aug. *Has waited* in hopes of farther orders from England and of seeing Governor Belcher, "tho' the people at the new settlemts. are at a stand and idle for want of me, and great numbers there waiting for me that have no beginning to work upon" *etc.* Will now sail at once. *Encloses* one of Govr. Belcher's lett passes, the fee whereof is but one shilling sterl., as he fancies it would hardly be credited that he would send such from another province, "the filling up is with the hand of H.E.'s Naval Officer, pray observe it." *Continues*: The new Collector therein named [Richard Wibird] had a seizure made in his own warehouse of tobacco illegally imported here, the Depty. Collr. from home made the seizure, and of the vessel that imported it. After him the new Collector seized and marked his own tobacco and vessel, and some other vessels having been seized here by order of Governour Belcher for omitting some little ceremonys with his new officers, the Judge of Vice Admiralty with the Advocate General, and other Officers of ye Court came hither from Boston, and held Courts on the 9th and 10th inst. Each of said Collectors exhibited their libels, the old Collector against the vessel and tobacco, but the Judge, who is Mr. Belcher's brother by marriage, dismissed it and decreed costs of Court against him, the new Collector dropt his seizure of his own vessel, and disowned ye tobacco, wch. was thereupon condemned. I was all the time in Court and was provoked to see such partiality and thereupon desired the trial might be adjourned to yesterday morning with intent to get ye names of ye wittnesses from the old Collector, which he readily gave me, but they were secretted

1731. [410]

away, and when I complained in ye Court of the injustice done to H.M. thereby, the Judge in open Court told me I came in there as an informer, and harrangued the Court with telling them with a high voice that as Surveyor of the Woods I putt the poor people in terrors by seizures of their trees and logs, all I could say to him availed nothing. I have often complained of him to no purpose, besides his very great age (now 79 years) he has allways been an unmannerly brutish man, notwithstanding which I should have committed him for his insult and treatment of me but in respect to my Lds. of the Admiralty whose officer he is; By the 46th Instruction to Govr. Shute and 56th to the late Govr. Barnet, they were directed not to admit any officer to act until they had quallified themselves by takeing the oaths required by law, upon which, and not knowing Mr. Belcher's Instruction upon that head, I produced the two original beforementioned Instructions in Court and thereupon delivered to the Court a paper *etc.*, copy *enclosed*. The Judge read it and was outrageous calling it an odd, turbulent paper. I desired the Advocate's opinion of it, wch. he refused, but another lawyer told me ye quallification therein mentioned was absolutely necessary in this Province. Notwithstanding all this, he made decrees and went away wth. his officers to Boston, boasting how he had used me; a Leiut. Governour under my present circumstances, as to power is a needless officer lyable to affronts without remedy here, one instance at this time of it is an order lately sent by the Govr. to a Capt. of a troop of militia to meet H.E. with his troops on the lines between the two Provinces next week without takeing any notice of me. I am sensible I am under some obligations of corresponding with the Comrs. of the Customes, but as I do not know in what manner for want of Instructions, I beg to be excused to them. I send you a copy of a comm. to a new officer Mr. Belcher has made here. It may be presumed that he will soon appoint Commissioners of Customes, since he has begun to make officers that none such were ever here before, this Comptroller is son to the new Collector, another son is Deputy Naval Officer, and all concerned in one shop, ships and warehouses. Lett me desire the favour Sir, that a copy of this may be layd before my Lords Commrs. of the Admiralty. My brother will do it if you permit him, and if any part is requisite for the Commissioners of the Customes, I beg the same favour *etc.* P.S. I told you that Governour Belcher would not permit the Lt. Govr. of the Masachusets to sitt in Council with him. Here the Lt. Govrs. allways sat at table and were Councillours by particular mandamus to each, and as I have none such, if the Govr. does not except against my sitting in Council, I must sitt mute there, not having any right to open my mouth, but my going to Fredericksfort will prevent all disputes until I hear from you. It is now

1731. [410]

Sunday morning the 12th of 7ber. Since yesterday I have been told by several people that Mr. Belcher's friends rejoyce openly at the treatment I met with from the old Judge of the Admiralty, but if he had sayd or done more I had no remedy, all officers and majestrates here refusing any obedience but to the chief Governour's orders. I had a late instance of this from one of the Sheriffs, who refused to obey my warrant to search for the tobacco beforementioned; surely the Commissioners of the Customes will take some method to prevent such abuses, and not trust shopkeepers and merchants wth. the care of the customes abroad. The Advocate General has given me his opinion that the words *absence* and *return* in the clause of Belcher's Comm. *etc.* must be expounded a personal departure from or a personal presence in the Province *etc.* *Awaits* determination from home *etc.* *Signed*, David Dunbar. *Endorsed*, Reed. 1st, Read 10th Nov., 1731. 6 pp. *Enclosed*,

410. i. Warrant by Governor Belcher's Warrant appointing Richard Wibird jr., Comptroller of H.M. Customs in the County of York and Port of Newbury, N.H., 30th Aug., 1731. *Signed*, J. Belcher. *Endorsed as preceding*. Copy. 1½ pp. *Overleaf*,

410. ii. Extract from Governour's Commission empowering him to appoint a *Collector* only, in case of death or absence of the Surveyor General of Customs. ½ p.

410. iii. Receipt for pacquets from Lt. Govr. to Mr. Popple, Lord Harrington, Charles Delafaye and Martin Bladen, etc. Aug. 23, 1731. *Signed*, Richard Stephens. ½ p.

410. iv. Pass for a vessel to pass. Fort William and Mary. 27th Aug., 1731. Blank form. *Signed*, J. Belcher. *Slip*.

410. v. Paper delivered to the Court of Admiralty by Lt. Governor Dunbar. Portsmouth. 10th Sept., 1731. Whereas a Court of Vice-Admiralty was yesterday held in this town, which proceeded upon the tryal of several cases without any commission being proclaimed or registred within this Province by the Judge and some other officers of the Court or without taking the oaths required by law *etc.*, I desire the opinion of the said Court or of H.M. Advocate General, how far it was necessary that the said Commissions should be read or entered and the oaths taken as above. *Signed*, David Dunbar, Lt. Gov. *Endorsed as covering letter*. Copy, certified by, John Boydell, Regr. 1 p. [C.O. 5, 873. ff. 248-250v., 251v.-254v.]

Sept. 15.
London.

411. Richard Partridge, Agent for New Jersey, to the Duke of Newcastle. Encloses following and prays that a separate Governor may be appointed for New Jersey. *Signed*, Richd. Partridge. 1 p. *Enclosed*,

1731.

411. i. Copy of Address of Council of New Jersey, July 18, 1731. *v. supra.* 19th July. [C.O. 5, 983. ff. 29, 30-32.]

Sept. 16.
Hampton
Court.

412. Duke of Newcastle to Major Genl. Hunter. I have received the favour of several of your letters, the last of which is dated the 5th of June, and have laid them all before the King : H.M. was glad to find that the Assembly had resolved to subsist the two regts. for six months more ; but H.M. being willing that his subjects in that island should be eased of that expence as soon as it can be done with safety and convenience to the troops, it not appearing from the accounts that have been received from thence that those Regts. can be of any great use in suppressing the rebellious negroes, intends shortly to order that they should return home, and those orders will be dispatcht soon enough, to arrive at Jamaica about Janry. next, which is thus calculated out of regard to the proper season for their voyage home, and to the health of the officers and men, which might suffer extremely, were they to come home in the depth of the winter ; But of this you are to take no notice, that the soldiers may be the rather induced to accept the bounty that will be offered them to go into the Independt. Companys, and the encouragemt. which it is to be hoped you will be able to procure by an Act of the Assembly for their settling at Jamaica, which must, by the increase of white inhabitants, be a great advantage to the island. That there may be a sufficient force for its security when the regts. are gone, H.M. has sent orders to Lt. Col. Cornwallis, or the Commanding Officer in either of the two regiments to review the two Independt. Companys and to compleat them by draughts to be proportionably made out of the two Regts., of such soldiers as shall be willing to serve in the sd. companys, to whom, as an encouragemt., a bounty of 10*l.* sterling a man is to be paid upon their being entered in the said companys, by the respective Captains thereof, out of the non-effective money lying in their hands ; and their wives, as well as those of the soldiers that shall be willing to become inhabitants, are to be sent to them at H.M. expence, if they desire it ; But tho' the King would have all means of persuasion and encouragemt. used to engage the soldiers to remain at Jamaica either in H.M. service in the Independt. Companys, or as inhabitants, yet it is H.M. pleasure that they should not be obliged to it by force or constraint, but that it be left to their free choice and option, whether they will do either, or return home with the regts. to which they belong. For your better information and direction, I send you by H.M. command, cyps of two reports, upon this subject, of the Lords Commissioners for Trade and Plantations, by which you will see in what manner they propose that such of the soldiers, as shall be willing to remain in the Island, as

1731.

[412]

inhabitants, be encouraged and settled. And accordingly, if the soldiers that shall be fixt in the new settlemts. should want arms for their defence, H.M. in that case is pleased to direct, that they should keep those they now have. The King cannot doubt, that the Assembly will have a due sense of H.M. goodness to them in being graciously pleased to consider their welfare and safety, so far as to spare those men from his own service for the better peopling of the island, and will not be so much wanting to themselves as to neglect contributing what may depend on them, for improving so fair an opportunity to the advantage of their country, which in all probability, may not offer again in the course of many years. As to what is further suggested by the Board of Trade, in relation to the endeavouring to reduce the rebellious negroes to H.M. obedience by fair means, you will take the best methods you can to discover the disposition of their ring-leaders, and those who have the most credit and influence among them, and if you find it to be such, that they may by persuasion and good usage be made good subjects to H.M., you will learn in what manner, and upon what terms this may be accomplit, whether by giving them a settlement in some of the uninhabited islands in America belonging to H.M., as is mentioned in the enclosed report, which if you find practicable you will make the necessary dispositions for it, or whether it may be put into any other method that will equally answer the same end, in which case, as well as in the other, you will prepare matters for it, without wayting for further orders from hence. And in the execution of H.M. commands contained in this letter, you will conform yourself to what is proposed by the Board of Trade as far as may be agreeable to the directions which I have given you by H.M. order. You will see by this letter, that it is H.M. intention, as soon as it is consistent with the safety of the troops, to send for them home ; but at the same time to provide for the security of the Island by compleating the Independent Companys up to their full complement, and by encouraging the private men of the two regts. to settle in the island and become planters, which must be of the greatest advantage by adding so considerably to the number of white inhabitants, which at present is so very small. H.M. does therefore expect of you, that, without having any view to the keeping of the regts. in the island, you should without loss of time, take the proper measures, in conjunction with Lt. Col. Cornwallis, or the Officer Commanding in Chief the two regts., to engage the soldiers, in consideration of the ten pound bounty, which is to be given each, to enter into the Independt. Companys, and also use your utmost endeavours to induce the Assembly forthwith to give all proper encouragement. to such others, as may be willing to settle in this island and become planters. I wish I could have sent you H.M. approbation of your conduct

1731. [412]

relating to the two Regts., before and since their arrival at Jamaica ; and I must particularly take notice to you, that the King expected to have had from you a full account of everything that past either in the Council or Assembly upon this subject, whereby H.M. might have been the better able to judge of the necessity of continuing them in that island, or not, and more fully informed of the sense and opinion of his subjects there in this respect. The King has received an account from other hands, that the Assembly had sent a message to the Council, whenever they expressed themselves in a dutyfull manner towards H.M., but seemed plainly to be of opinion that the regts. were not necessary for the safety of the island, nor would be of any service towards suppressing the rebellious negroes, otherwise than by permitting the soldiers to become settlers. H.M. was surpriz'd that you take no notice of this in any of your letters ; and I send you a copy of the message itself, that you may see the foundation there is for mentioning it to you. *Signed, Holles Newcastle. Endorsed, Duplicates sent, 16th Nov. by a man of war, 18th by a merchantship. Draft. 7 pp. Enclosed,*

412. i. Message from the Assembly to the Council of Jamaica. The House have disagreed to the amendments proposed by your Honours' message of yesterday to the Address to His Majesty. 1st. For the inserting the word, 'Will', instead of the word, 'May', is taking upon us affirmatively to assert that that will be which may not and which we are the more inclined to fear may not be, unless by permitting the soldiers to become settlers, because we neither find that any of the rebel negroes have hitherto been killed or taken by them, nor are we convince'd that they [*are*] so well able to endure the inconveniencys of passing through the woods, as men more seasoned to the climate. 2ndly. For that as no such necessity as yet appears to us at all, but on the other hand it appears by the Minutes of the last Assembly, within 10 months last past that on consideration for a motion for inviting a body of regular troops, the house did reject the motion and resolved that the bringing over of families and providing for them would be the most effectual method of settling the island, and accordingly did pass a bill entitled an Act to oblige the inhabitants to provide themselves with a sufficient number of white people in proportion to their number of negroes and values of their estates to be sent out and barracked in proper places to reduce the rebellious negroes and encourage the further settling the island, which had your Honours agreed to would annually have brought into the island an additional number of 800 men, at the same expence

1731. [412. i]

the subsisting these two regiments are to the island, and reduced the rebellious negroes. Nor hath this house in providing a subsistence for the said soldiers been influenced so much by apprehensions of danger as by the defence to H.M., and their unwillingness to let so many gallant officers and soldiers want any necessaries, until such time as H.M. might be informed of our inability to bear so great a burthen. *Copy.* 1½ pp. [C.O. 137, 53. ff. 372-376v.]

Sept. 21.
Whitehall.

413. Council of Trade and Plantations to the Rt. Honble. the Lord Harrington, one of H.M. principal Secretaries of State. *Enclose* following to be laid before the King. As soon as they have completed enquiries they are making, they will transmit their representation relating to the trade between Great Britain and Sweden as directed 20th July, 1731 *etc.* *Annexed,*

413. i. *Same* to the King. In obedience to H.M. commands, 28th Aug., *have considered* letters from Mr. Finch relating to an offer by the present Duke of Courland for the sale of Tobago to the Crown of Sweden. *Continue* :—Upon this occasion we beg leave to acquaint your Majesty that heretofore the Dukes of Courland have had their pretentions upon this island founded on a grant made to them by King Charles II in 1664, under certain conditions and services to be performed to the Crown of England; But on the other hand, it appears from the ancient books of our Office, that the Dukes of Courland have not comply'd with those stipulations, and we find that when Monsr. de Blomberg, who was Agent for the D. of Courland at this Court in 1686, presented a memorial to the late King James the 2nd, praying H.M. permission that a small number of English families might be at liberty to contract with his master, in order for their settling upon the island of Tobago in conjunction with other families natural subjects of the Duke of Courland, and that the Govr. of Barbados might receive H.M. Orders to assist ye intended Colony with all that was necessary for their establishment at reasonable prices, Monsr. de Blomberg then received the answer which we have taken the liberty to annex to this representation [*v.* C.S.P. 1686. *No.* 1033], by which it appears to have been the opinion of the Lords of the Privy Council in that reign, and likewise of the Attorney General, that the original grant of this island to the Dukes of Courland was void in law. We beg leave therefore to represent to your Majesty, that as nothing has been transacted since this answer was

1731. [413. i]

made, wch. can be of any force for the revival of the Duke of Courland's title ; it is to be hoped, his Swedish Majesty will not give ear to any proposal that may be made for the sale of Tobago to the Crown of Sweden which might produce such consequences as would tend to weaken the particular friendship which has so long subsisted between your Majty.'s royal family, and that of His Swedish Majesty, as well as the good understanding and harmony which have been so happily cultivated of late years between the Crowns of Great Britain and Sweden. [C.O. 29, 15. pp. 233-236.]

Sept. 24. **414.** Address of the President, Council and Assembly of St. Christophers to the Council of Trade and Plantations. *Represent that a trade hath been set on foot and carried on for some years past between the subjects of Great Britain in Boston, Rhode Island and other places in New England and the subjects of the French King in Martinique and other adjacent islands and also with the Dutch in Surinam, which trade tis concerned is contrary to the tenor of a Treaty now subsisting between Great Brittain and France, the view and designe of all our laws relating to trade and that in this trade the French are furnished by Englishmen with horses, fish, boards, staves and other lumber. These are commoditys absolutely necessary to a Sugar Plantation and had the English made use of the advantage they had in their hands by being possessed of the only places in America from whence the French could draw these commoditys either in such quantitys as they wanted or at such rates as they could afford to give and withheld them strictly from them, the difficultys which in that case they would have found themselves under might have checked the design of turning those islands to sugar plantations, at least it must greatly have stopped the progress of it. This as wee apprehend will plainly appear to your Lordshipp when 'tis consider'd what quantitys of sugar Martinique in particular made at any time before the conclusion of the last war (when they had not the means of being furnished with these commoditys) and what they have made since. On the other hand, by neglecting this advantage and permitting this trade to be carried on without restraint the French have settled great numbers of sugar plantations in those islands, are become so populous there as to endanger the security of H.M. Leeward Islands and if some way cannot be found to stop their progress will soon be able to supply all the marketts in Europe and become entire masters of the sugar trade. That by allowing this commerce to be carried on by the people of New England, with the French and Dutch, the trade of Great Brittain will suffer in many other branches of it besides the sugar trade, for that the English may and frequently do take forreign commoditys in exchange for*

1731.

[414]

their own goods and by that means prevent the consumption of the Brittish manufactures. That besides the danger threatned to Great Brittain in the sugar trade by being ourselves the instruments in forwarding and promoting the settlement of the French and Dutch Colonys and besides the prejudice which may accrue by such a trade to the Brittish manufactures, wee apprehend that this and the rest of H.M. Leeward Islands labour under hardships from it which we hope your Lordships wont think it reasonable for us to suffer especially when it is considered that tho' some advantage may accrue to New England by it yet they are not such as will counterballance the dammages which the Sugar Colonys suffer and the advantages that are thereby given to a people that are rivals to us in the same trade. For it lessens the consumption of the rum and molasses of the English and increases the consumption of the same manufactures of the French and with this further advantage to them likewise that a great part of the materials which go to the making these manufactures if they could not exchange them with the English would be lost to them. It also lays us under the necessity of buying these commoditys at a dearer price which enables the French to under sell us in our sugars and it drains us of our current coin which is often received by the people of New England from us in payment for the goods they bring, and carried to the French to purchase those commoditys which we ought in reason to furnish them with. That His late Majesty was so sensible of the mischiefs that would ensue to his Sugar Colonys by this trade that it was no sooner known to be sett on foot but he gave the strictest commands to the Governours to be watchfull, and to use their utmost diligence to prevent it. That the Brittish subjects lye under many other disadvantages in the Sugar Trade which at this time may deserve Your Lordshipps' consideration particularly in not being allowed to carry their sugars to any foreign markt till it has first been imported to Great Brittain, which gives the French who are free from any such restriction an oportunity to supply the forreign marketts before us and without the charges of a double voyage which we are lyable to, so that they are enabled to undersell us by at least twenty-five pr. cent., and it is to be feared they not only have this advantage of us in the forreign marketts, but that they do supply some of our own people and particularly Ireland with great part of the sugars they consume *etc.* *Pray the Board* to promote the passing of some law in Parliament which may effectually put a stop to a commerce so destructive to the Brittish sugar trade and give new life and vigour to it. *Signed*, Jos. Estridge, six members of Council, and J. Spooner, Speaker of the Assembly. *Endorsed*, Reed. 2nd, Read 7th Dec., 1731. 1 large p. [C.O. 152, 19. ff. 81, 81v.]

1731.

Sept. 24.
Jamaica.

415. Governor Hunter to the Duke of Newcastle. *Encloses* Address of the Council, which they humbly pray may be put into H.M. hands. *Continues* :—The two regiments here are in a wofull state some companys having lost more than half their compliment cheifly owing to drunkenness. The remote quarters have bury'd fewest. I have sent to the Secretary at War the last monthly states that are come to my hands. From him I had advice of H.M. order for the sale of the provisions arrived here, which was accordingly done, but I have not as yet got the account of sale *etc.* *Will write* more minutely of affairs by one of H.M. ships to sail shortly *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. Jan. 17th. 1 $\frac{3}{4}$ pp. *Enclosed*,

415. i. Address of Council of Jamaica to the King. St. Jago de la Vega. Aug. 3, 1731. *Return thanks* “for the late gracious and seasonable of your paternal and extensive care of the safety and security of this your island in sending over two regiments for our protection against our slaves in rebellion,” who are grown more numerous and insolent notwithstanding the almost insupportable expence the country has been at in endeavouring to suppress them. Our loyalty and gratitude your Majesty *etc.* readily engaged us to endeavour at obtaining an additional subsistance for them on their first arrival here, which has with great difficulty been obtain'd for them by two laws for that purpose, which are to last for twelve months only, and altho' wee humbly conceive their presence and being kept up compleat is now so absolutely necessary for our safety, that if they are withdrawn the negroes (wee fear) would soon be sensible of our weakness and nakedness, and make a fatall use of that opportunity; yet wee think ourselves bound in duty with all humility to lay before your Majesty the declining condition of this once flourishing Collony occasioned by the entire loss of all our trade with our neighbours, the very low price which our now only staple commodity (sugars) bears in the European marketts, the great and heavy taxes wee have long groaned under for the extirpation of those our cruel intestine enemys, the frequent and dreadfull calamitys wee have suffered from the hand of Heaven, and the daily decrease of our white inhabitants, all which render us very unable to raise a sufficient subsistance for those troops, so seasonably sent us for the security of our lives and fortunes, and gives us great reason to apprehend that at the expiration of the said twelve months, it will not be in our power to prevail with the Assembly here to subsist them for any longer time. Therefore from your Majesty's known indulgence and beneficence to all

1731. [415. i]

your people, and the use and advantage this island is of to all your Brittish subjects, wee are embolden'd to become humble suitors to your Majesty that you would be graciously pleased to continue those troops here for our safety and protection, and in your royal wisdom to take such methods for their additional subsistance as may be for the ease of your subjects the inhabitants of this island *etc.* *Signed*, By order of the Council, Jos. Maxwell Cl. Concil. 1 *large p.*

415. ii. Lists of Officers and privates of the two Regiments in Jamaica, Aug. 23, 1731, showing effectives 225 and 237 and wanting to complete, 115 and 103. *Signed*, Ste. Cornwallis and Jas. Fountain. 2 *pp.* [C.O. 137, 53. *ff.* 364, 364v., 365v., 366v., 367, 368, 370.]

Sept. 25. 416. Mr. Popple to Mr. Lowther. Repeats request of Aug. 26th *q.v.* [C.O. 29, 15. *pp.* 237, 238.]

[28th]
Sept.
London.

417. Mr. Partridge to the Council of Trade and Plantations. *Begs* for report upon Acts of New Jersey pursuant to order of reference (7th July), *etc.* *Continues*: I have yesterday received again advice from the Speaker of that Province that they are much in want of the Act for emitting a paper currantys (to enable the inhabitants to support their Governour discharge their engagements in the loan office *etc.*): their Province is situated between New York and Pensilvania and their paper money being currant in each, occasions the dispersing it through the whole and it's scarce a third part of it continues in their Province so that they found 40,000*l.* was full little enough to maintain a currantsey and carry on a trade, much the greater part of which (as they write) is now sunk and the Act which raised it requiring that those who borrowed it should pay it in again in the same specie, put the borrowers under very great difficulties to procure it, and those difficulties will yearly augment by the sinking of the said bills, therefore as well for carrying on our comerce with their neighbours maintaining a trade among themselves as to discharge their engagements in the loan offices a further quantity of money seems absolutely necessary. *Signed*, p. Richd. Partridge. *Endorsed*, Reed. 28th Sept., 1731, Read 8th March, 173 $\frac{1}{2}$. 1 *p.* [C.O. 5, 972. *ff.* 227, 230v.]

Sept. 29. 418. Petty expences of the Board of Trade, Midsummer to Michaelmas, 1731. (*v.* Journal). 5 *pp.* [C.O. 388, 80. *Nos.* 10-12.]

Sept. 30. 419. George Phenney's Commission from the Commissioners of Customs to be Surveyor General of H.M. Customs "in the Southern part of the Continent of America." *Copy*. [C.O. 324, 49. *ff.* 79, 80.]

1731.

[? Sept.]

420. Draught of H.M. Additional Instruction to Governor Hunter. Revoking former instructions as to securing piratical goods and directing him to be assisting to Robert Byng, appointed Receiver General of the rights and perquisites of the Admiralty on 9th Aug., and to make up his accounts with him or his deputies of all such rights or pirates' goods *etc.* [C.O. 324, 11. pp. 244, 245.]

Sept. 30.
Placentia.

421. Lt. Gov. Gledhill to the Duke of Newcastle. I arriv'd here ye 23d of Augt. with the Fort Major and recruits to compleat ye compa. to 30 men. Governr. Clinton and Capt. Osburne hath been here but staid a few hours so I tho't it my duty to lay before yr. Grace how necessary more troops are wanting here. This port being now ye most considerable fishing port in America and worthy of yor. Grace's protection I annex hereto, ye state of this year's fishery, and allso the Fishing Admiral's letter of complaint and humbly submit it to yor. Grace. *Signed, S. Gledhill. Endorsed, R. 21 Dec. Holograph. 1 p. Enclosed,*

421. i. Scheme of the Fishery of Placentia for 1731. Number of British fishing ships, 22, sack ships, 4, 3000 tons; men 1500; from America 4, 900 tons, 120 men. Passengers on the British ships, 243. Boats owned by inhabitants, 21, by British ships, 180. Quintals of fish made by British ships 75,000, by inhabitants 5,000. Carried to foreign markets, 80,000 quintals; tierces of salmon 100. Tons of train oil made by inhabitants, 20, by British fishing ships, 260. Prices of fish, 25 rials pr. quintal, salmon 3*l.* per tierce, train oil, 12*l.* 5*s.* pr. ton. Seal oil and furs taken last winter, none. Number of stages, 26, train fats, 26. Number of families who keep private houses, 24, who keep publick do., 6. Number of inhabitants, masters 30, men servants 100, mistresses 11, women servants none, children 38. Remained last winter, masters 30, men servants 190 (*sic*), mistresses 11, children 38. Born, since the departure of the last convoy, 4, died, 2. *Signed, S. Gledhill. 1 p.*

421. ii. Fishing Admirals of Placentia to Governor Gledhill. Placentia, Sept. 10, 1731. Sr. We take the liberty to lay before your honour the grievances that we have suffered during your absence these two last winters by evil-minded people who distroyed and puled down all our houses, cook rooms, wharfs and stages, which is very distructive to our fishing voyages the ensueing season and is of fatal consequence to the Fishery. The new Justices we trusted and believed wo'd have taken some care to prevent such disorders by themselves or some proper persons. But we were mistaken,

1731. [421. i]

two of them being abroad in Europe and the other sick at home. They wo'd insinuate that the troops in the Garrison were blameable on this head, therefore we pray your Honour will represent this to the Secretary that the Garrison may be supplied with coal in lieu of wood for their fires and suffer the soldiers to patrol soe in the winter as may prevent the destruction of our sd. houses and wharfs etc., the loss whereof is very great to our owners and a hindrance to our prosecuting their business in the spring haveing noe place to land our good[s] in at our arival. *Signed,* James Chapple, Admiral, Chr. Chapple Vice-Admiral, Williams Brooks R. Admiral, William Chapple, John Brooks. 1 p. [C.O. 194, 24. Nos. 21, 21 i, ii.]

Oct, 1.
Salisbury.
St. John's.

422. Governor Clinton to [? *Mr. Popple*]. Sir, In my former of the 25th July last, I acquainted you of my arrival here, and that I was proceeding to Placentia, to veiw that Garrison, (of which I have transmitted the report) and to adjust the differences that might happen thereabout, all which I have settled in the best manner I was capable, tho' these are a set of people that no one person living can please ; but I need not give their Lordships the trouble to represent them, Capt. Osborn having often repeated it : However the copys of the several petitions, letters and affidavits, that have occurred to me during my Government and command this season, together with some material orders I issued thereon, will I hope be sufficient to convince their Lordships how difficult, and almost impossible it is, to govern such a sort of people under the present establishment.

The Admirals do really take so much upon themselves, that unless it be to serve their own turns, (or to get a reward as I am very well informed they have) they cannot be prevailed upon to hold a Court, to serve the injured and distressed, of which I have complained to them in my letter of the 23rd past, since which they have held one Court, and at my desire will hold another the 2d instant. They do in general, publicly declare, they are supported in what they do, by an act of Parliament ; and that it is not in the power of his Majesty to grant a commission, or settle any civil power here. The ignorant people are possess'd therewith ; their orders are obeyed, and mine tore, and those I send them by very much abused ; two whereof are now imprison'd here, in order to be tryed the next Quarter Sessions for their contempt. Their Lordships will also find (by a copy of the Representation, the Justices of this place have sent me) the inconveniency and hazard the island is exposed to, by the transportation of felons to this part of America, and the number of Irish Papists that resort here in the Fishing season, and remain the winter, both which (I must

1731.

[422]

concurr with the Justices in opinion) are of dangerous consequence. Several of the felons lately brought over, have been guilty of theft, and threatned murder to the very masters they lived with, tho' Justices; whose account thereof I also send a copy. The Irish are grown so insolent, that they openly declare, they wish for nothing else, but the French to come over, and they will join them directly; for there is not one but has his fire-arms. They are very much supported by one Rowe at the Bay of Bulls, an English Papist, and master of a ship, who takes upon him to determine everything in their favour (tho' no Admiral) of whose transactions I have inclosed a part, for their Lordships perusal. And now at my departure, I have been crowded with numberless complaints; and certainly such barbarous, unjust and scandalous behaviour to one another, was never seen in a Christian country. The Admirals, master and leading trading people, seem, I think, to devour the rest; they send their boats, take the people's effects by force from their flakes and stages, without any regard to the other creditors, nay even giving the owners the satisfaction to see it weighed, or knowing what is taken from them. Upon which I published my order of the 24th instant (which is at the conclusion of my remonstrances) that all might know I was determined to put a stop to such base and vile proceedings, one towards another, and partly the methods by which I intended it. I shall always make it my study to execute H.M. commands to the utmost of my power, and my endeavours here has been to do justice to all partys without partiality. But unless their Lordships will please to consider of some more effectual means, to redress the many greivances I have represented, it will be impossible for me to regulate this Fishery to the strictness of my Commission, and much less can the Justices and other civil Power be supposed to rule, that are to act under me. I shall defer what I have further to say till such time I have the honour to wait on their Lordships myself *etc.* Signed, Geo. Clinton. *Endorsed*, Reed. 10th Nov., 1731, Read 9th March, 173 $\frac{1}{2}$. 4 pp. *Enclosed*,

422. i. Attorney General to the King. Dec. 29, 1730. *In reply* to H.M. commands *quotes* clauses in Newfoundland Act relating to the process of Fishing Admirals *etc.* *Continues*:—Whereby it appears that the whole authority granted to the Fishing Admirals is restrained to the seeing the rules and orders, contained in that Act, concerning the regulation of the Fishery there duely put in execution and to the determination of differences arising between the masters of fishing-boats and the inhabitants, or any by-boat keeper touching the right and property of fishing rooms, stages, flakes or any other building or conveniency for fishing or curing of fish in the several harbours or

1731. [422. i]

coves of Newfoundland, which is a kind of civil jurisdiction in particular cases of property; whereas the authority of Justices of the Peace extends only to breaches of the Peace and other criminal matters; and therefore I am humbly of opinion that the powers granted by your Majesty to Capt. Osborne to constitute Justices of the Peace in Newfoundland is not contrary to or inconsistent with any of the provisions in the said Act, and that there is no interfering between the powers given by that act to the Fishing Admirals and the authorities which Justices of the Peace are invested with by their Commission. *Signed*, P. Yorke. *Endorsed*, Referred to in Capt. Clinton's letter of 1st Oct., 1731, Recd. 10th Nov., 1731, Read 9th March, 1731½. (? *Rectius*, enclosed in D. of Newcastle's letter of 23rd Nov., 1731). *Copy*. 5½ pp.

422. ii. Proceedings of the Governour, Justices of the Peace *etc.* of Newfoundland.

(a) Governor Clinton to Edward Hopley, Store-keeper of the Ordnance at Placentia, demanding an account of the stores of war *etc.* 7th Aug. 1731.

(b) *Same* to Samuel Gledhill, Lt. Governor of Placentia. Orders to proceed in accordance with his Instructions. The Justices of the Peace complaining of the refusing to comply with the Article requiring him to be aiding and assisting H.M. Justices *etc.*, he is to pay strict regard to it, or answer at his peril. Placentia, 10th Aug., 1731.

(c) The establishment of the garrison at Placentia *etc.* The parapet and redoubt of the Fort require a dressing of stone *etc.*

(d) Petition of Thos. Buchanan of Great Placentia to Governor Clinton. Prays for an order to Mr. Boudet to pay a debt of 60*l.* *etc.*

(e) Governor Clinton to Michel Boudet. Order to pay 10*l.* yearly. 10th Aug. 1731.

(f) Petition of John Marshall of Placentia to Governor Clinton. In behalf of Mrs. Ann Wroe, Geo. Campbell and Peter Luce, executors of Joshua Wroe of Boston, requests order to Edward Mills to account and pay for merchandize consigned to him by said Wroe.

(g) Governor Clinton to the Fishing Admirals of Placentia. 10th Aug., 1731. Order to oblige Mr. Mills to account and pay.

(h) Thomas Salmon and Thomas Buchanan to Governor Clinton. Placentia, 10th Aug., 1731. Have served as Justices of the Peace without complaint for 3 years; but this morning saw a most scandalous complaint given in by Lawrence Herder and others,

1731. [422. ii]

laying before you, that they were most barbarously used by us, and that we connived with some New Englanders to their great hurt, and also imposed upon them very much by making them pay 45s. yearly for their licences. They all sell beer etc. and keep victualling houses, and it is no hardship to them to pay such a small summe, necessary for repairing the Church and mending the road to Little Placentia etc. Request to resign their Commissions.

(i) Order by Governor Clinton to the Justices at Placentia. 10th Aug. 1731. You are to suspend L. Hearder for a month from keeping any publick house, and take security for his good behaviour, "and do the same to any other person who shall in that business behave themselves disrespectively" etc. For the future 20s. and no more is to be demanded for granting and renewing licences to public houses etc., and an exact account to be kept etc.

(j) Governor Clinton to the Justices of the Peace within the district of Trinity. St. Johns, 22nd Aug., 1731. Has made a new Commission, leaving out Jacob Tavernor on account of his being a Dissenter, "and some other disturbances he has been guilty of," and putting in his room Richard Waterman, who is to take the oath before Lt. Hughes, whom he has appointed to go to the norward, in order to settle things in the best manner he is capable of. The Justices are all jointly to act in the said Commission, and "not one to have more power than another, nor one to contradict what another orders, it being impossible to keep up any manner of Government when any such divisions happen."

(k) *Same to Same.* Mr. Kilpatrick having reported that there are no Churchwardens for the Church of Trinity, *they* are to hold a meeting for the election of same. *Dated as preceding.*

(l) Governor Clinton to Lt. Richard Hughes, H.M.S. *Salisbury.* Instructions to proceed to several harbours, and there assist fishing admirals, determine disputes, prevent illegal trade, punish offenders, obtain information for answers to Heads of Enquiry etc., and prevent any foreign vessel fishing in these parts, with due regard to Articles 13 and 14 of Treaty of Utrecht. *Dated as preceding.*

(m) Justices of the Peace of St. Johns to Governor Clinton. 20th Aug. 1731. *Represent* the difficultys they meet with and the insults they are exposed to in the execution of their Commission etc., and other grievances, which if not speedily prevented, must

1731.

[422. ii]

destroy the present establishment *etc.* *Continue* :— In the first place we humbly present the danger the country is in, and will be more exposed to, in case of a French war, by the bringing hither such a number of Irish Roman Catholicks, being 300 or more every year, insomuch that three quarters of the inhabitants, on the So. and West part of the Island, are of that sort, and who, we have very good reason to think, will to a man join the French interests, as they have opportunity, which will soon be given them by the French from Cape Briton, whenever a war happens ; those people from Ireland being all Papists, brought from inland places, and many from gaols, very ignorant and insolent, and naturally prejudiced against Englishmen and Protestants ; and the ill consequence attending their settling here in such numbers is most apparent. We also desire to represent the danger we are exposed to by the transportation of felons, from Great Briton hither ; which before this year hath not been known, and since which five of the basest and most barbarous murders have been committed, that ever was known in this Island, and not without strong suspicion of its being done by some of them *etc.* As we are a Constitution not so capable of defending ourselves from such insults, as others of H.M. Plantations, which are under better regulations, and have men and money for defence and security thereof at the publick charge, we pray that the fear we are in from such bandits may be removed, by their being obliged to depart this island *etc.* *Represent the charge and difficulty of sending to England for trial persons charged with capital crimes, with witnesses etc.*, the persons so offending generally having nothing to forfeit, the charge must be levied on the people of the district, in which they are convicted ; which how hard, or even impossible it is to be done, is obvious to all who are acquainted with the indigent condition of the people here ; then after all, the charges must be paid by us who act, or imploy any person in such an affair, and without any reward, credit or thanks *etc.*

By an order from Governor Osborn, a tax was levied in 1729 of half a quintal of merchantable fish on all fishing boats, and half a quintal on all boats' rooms, within this district, towards erecting a prison in St. John's. The said prison was began, in expectation that the tax would have been duly complied with ; but several have refused to pay, and upwards of 50*l.* hath been advanced towards the said building, above what hath been reced. for that service, and no prospect at

1731. [422. ii]

present of having the same reimbursed. And as some are poor and cannot, and some refuse to pay, it was thought the most proper method this year, to rate three pence on the pound on all servants' wages, imployed in the Fishery (exclusive of the shipping) to finish the said prison, and that all masters should account for the number of their servants and detain in their hands threepence per pound out of their wages *etc.* Which good intentions of ours meets with unjust censures, and insinuations are spread abroad that the money so raised, will be converted to our own use, and both masters and servants refuse to comply therewith, being thereto influenced by the Admirals, and most of the masters of vessels in the harbour, so that unless you will please by some severe methods to oblige them to their duty *etc.* the prison must remain unfinished; and those who have advanced so much money be great sufferers, and our persons and office contemned and ridiculed *etc.* *Pray* H.E. to secure for them an explanation of the Act of Parliament relating to the Trade and Fishery of Newfoundland, in particular of the extent of power given to the Admirals, "and for instructions how we are to proceed in the execution of our office, without interfering with the power granted to them thereby." *Signed*, Willm. Weston, A. Southmayd.

(n) Governor Clinton to the Collectors for the Prison at St. Johns. *Salisbury* at St Johns, 27th Aug. 1731. Calls for accounts, and of "who has not paid to the prison" *etc.* *Continues*: The three-pence laid on the head of each servant, (*v. preceding*), is quite against the rules laid down by Capt. Osborn *etc.* To raise what was laid first will be sufficient *etc.* I will give you till to-morrow sennight to fix everything *etc.*

(o) *Same* to the Justices of the Peace at Conception Bay. 31st Aug., 1731. Capt. Weston has given me a list of what people have paid in Conception Bay towards the prison here, but tells me there is a great many more wanting yet; therefore I desire you will immediately oblige the rest to do the same *etc.* Whereas there is several more boats this year, I expect the same from all equally. Lt. Hughes has instructions to oblige those who refuse to pay to you *etc.*

(p) *Same* to Lt. Hughes. Aug. 31st. Instructions referred to in preceding.

(q) Proclamation by Governor Clinton, 31st Aug., 1731. Whoever shall refuse to pay his prison tax, will be compelled thereto *etc.*

1731. [422. ii]

(r) Governor Clinton to William Le Merkin at Portugal Cove. St. Johns, 4th Sept 1731. You are not to dispose of any more of your fish until you have paid your servant, Garret Haley according to your contract *etc.*

(s) *Same* to the Collectors for the Prison. St. Johns, 2nd Sept. The progress you have made in collecting the money I very much approve of *etc.* *Encloses* notices for hastening on this business *etc.*

(t) *Same* to Lt. Hughes, 8th Sept., 1731. Le Merkin and his son having presumed to tear in pieces my order, and treat the constables inhumanly, who read it to him, and beat his servant, you are to bring them hither prisoners, to answer for contempt.

(u) Thomas Hibbs and Robert R. M. Miller, Constables, to William Weston, J.P. Portugal Cove, 7th Sept., 1731. We have served Nicholas Merkins with the Comadore's order the which they abused and broke, and likewise beat and abused the man for craving of anything for his labour *etc.*

(v) Governor Clinton to the Justices at St. Johns. 17th Sept. 1731. Orders them to hold a Sessions to convict and punish by a fine the Le Merkins brought hither by Lt. Hughes.

(w) *Same* to John Barns at St. Johns. 18th Sept., 1731. Whereas complaint has been made to me, that you are indebted to divers persons at this place, and are clandestinely getting off your fish *etc.*, without any regard to the demands of your creditors, I do therefore strictly forbid you to dispose of it *etc.*, till you have appeared at the Court I am to hold here on Tuesday next *etc.*

(x) Order by Governor Clinton to the Fishing Admirals at Fermouse. 18th Sept. 1731. Having considered the affair between Charles Humphreys and Company and George Coplestone, relating to a parcel of fish the latter bought of the former. Orders Coplestone to pay for whatever part thereof he received on board, according to the contract price.

(y) Order of a Court held at St. Johns, 21st Sept., 1731. Samuel Angel is confirmed in the possession of a stage on the Flagstaff room in Petty Harbour, it being determined not to be on ship's room, as alleged by Richard Newman and John Lyston, master of fishing ships, but long and generally esteemed to be Angell's *etc.* *Signed*, G. Clinton, H. Osborn, Heard, Admiral, Squarry, *do.*

(z) Governor Clinton to the Fishing Admirals at St. Johns. *Salisbury* at St. John's. 23rd Sept.,

1731. [422. ii]

1731. Upon my arrival, I declared I should not sit at any Court ashoar; but that in compliance with the Act of Parliament, I should be always ready to hear any appeal, that might be made to me on board the *Salisbury*, from any person that judged himself aggrieved by your sentence. But as I am daily pestered with complaints of masters being ill treated by their servants, and servants wronged by their masters *etc.*, it makes me so free to say that I think you have been very negligent in the discharge of that duty incumbent on you; that is, the speedy hearing such complaints, and doing justice to the injured party. It is therefore my opinion that you ought, and desire that you will forthwith hold a Court, to hear and decide so many controversyes, as are ready to come before you. Once more I recommend this affair to you as a matter of moment, and the rather for that the Peace and welfare of the inhabitants, as well as free trade and commerce, intirely depends upon it, and expect your compliance. Otherwise I must be obliged to represent so great a negligence of yours to the Lords Commissrs. for Trade, and pray them, to think of some more effectual means, to relieve the distressed, and distribute justice.

a (i) Governor Clinton to Thomas Gordon and Compy. 23rd Sept., 1731. Ordering payment in fish of debt of 59*l.* 14*s.* 9*d.* to Messrs. Gill and Denet *etc.*

b (i) *Same* to Capt. William Weston. 23rd Sept. Order empowering him to seize fish or goods of Wm. Stow in payment of debt of 25*l.* 17*s.* 7*d.* *etc.*

c (i) Proclamation by Governor Clinton, 24th Sept., 1731. Whereas great complaints have been made of forcible seizures for debts, without authority, by which illegal practices masters are disabled from paying their servants' wages, and the poor servants are reduced to beggary *etc.*, and whereas it appears that several of the inhabitants proceed in a very scandalous manner towards each other, and frequently combine with persons to secretly convey their effects off their rooms, at the conclusion of the fishing season, under pretence of answering, as well their fallacious and contrived, as real debts, to the great prejudice if not utter ruin of others, *etc.*, I am determined to put a stop to these illegal proceedings *etc.*, and hereby strictly forbid any person whatsoever, to enter upon, or take from any flake, stage *etc.* in the manner aforesaid any fish, oil, or other goods, without first obtaining permission from me *etc.*, on pain of forfeiting double the quantity

1731.

[422. ii]

of goods so taken away *etc.* In the case of all debts hereafter contracted, particular regard will be had to the time they were entred into, for preference in respect of payment *etc.* *The whole, endorsed Recd.* 10th Nov., 1731, Read 9th March, 173½. 24½ pp.

422. iii. Scheme of Newfoundland Fishery, 1731. Returns from Placentia, Trepassy and St. Mary's not yet received. *Signed*, Geo. Clinton. *Endorsed as preceding.* 4 pp.

422. iv. The Division of the island into districts and names *etc.* of the Justices of the Peace there, and several of their proceedings, vizt. :—

(a) Deposition of Richard Mitchell of Quidividi, fisherman, before the Justices of St. Johns. 23rd Sept., 1731. Capt. Wm. Smith forceably took away some fish belonging to deponent and his partner John Butland, though they owed him nothing and it was the Sabbath, without any of them knowing the weight or price *etc.* *Signed*, Richard Mitchell, his mark. 1½ p.

(b) Justices of the Peace at Trinity Bay to the Justices of St. Johns, 17th Aug., 1731. Francis Squib, J.P., having put his servant Thomas Stuard into the stocks for making a disturbance in his house on the Sabbath, Stuard broke the stocks to pieces and tried to shoot Mr. Squib. They send him to the gaol at St. John's *etc.* *Signed*, Jacob Tavener, Thos. Floyd. The following testify upon oath to the truth of aforesaid, Thos. Waterman, James Tarrent, Henry Flasket, their marks. 1½ p.

(c) George Rowe (being next fishing ship in absence of the Admirals) to John Julian. Bay Bulls, 12th May, 1731. Whereas you detain Timothy Shea which is my servant, without security for his passage you are hereby required and directed not to give him any house harbour *etc.* *Signed*, Geo. Rowe.

(d) Nathaniel Brooks to Capt. Rowe. Bay Bulls May 12th, 1731. This minute came Julian's wife to me with your warrant for her husband's servant, that he shipt out of Mr. Simon Cricket, Commander of the ship *Society*, which I suppose had full power to act and do for the good of the voyage ensuing, for the interest of his outsetters in England, and as he was entered Master in England by H.M. Custom-House Officers, I think he may act and do for the interest of his employers, and not be controuled by any person here in our destitute parish of Bay Bulls. But it's my opinion Mr. Geo. Rowe, that a man of your profession hath no authority to grant warrants amongst

1731. [422. iv]

us Protestants, without a power and authority from King George, or his directions, by his worthy subjects *etc.*, and not for to have no arbitrary power amongst us, which God strengthen us against; I hope King and Country will stand against all such who point towards it *etc.* *Signed*, Nathl. Brooks.

(e) Capt. Rowe to N. Brooks. I shall not take much time to answer your nonsense. As to Mr. Critchett, he is follow my directions and none but mine, and as for arbitrary Government, God forbid it should lye in your power *etc.* I do admire who gave any such fellow as you, orders to act or dispute in any manner of justice, altho' you have had the impertinence of doing it, without either act of Parliament, or orders to the Government. P.S. The fellow shall not serve Julian without security for his passage. *Signed*, Geo. Rowe.

(f) N. Brooks to Capt. Weston. Bay Bulls. 13th May, 1731. *Asks for* his opinion what to do concerning preceding. *Continues*: Julian shipt a passenger that came over with Simon Critchet and cloathed him, and hath been with Julian ever since without any demand for his passage, or anything else. But now Capt. Rowe wanting hands, would take the man away from Julian. The man is in the country with his master, and Capt. Rowe swears as soon as the man comes out he will send a file of musketeers after him, and carry him to the publick whipping post, and whip him within an inch of his life, if he will not serve him *etc.* As for Capt. Rowe being an Admiral, I hope you'l give your opinion in that, he being no master of a ship, Benj. Jelly being master of the ship he came over in *etc.* *Signed*, Nathl. Brooks.

(g) W. Weston and A. Southmayd to N. Brooks. St. John's, 15th May, 1731. Are of opinion that as Julian shipt the man from Capt. Critchet before Capt. Rowe arrived, it is not in his power now to take him away, Julian finding such security for his passage as may be satisfactory to Capt. Critchet or Capt. Rowe, though by what we find Capt. Rowe hath nothing to do in the matter. As to his acting as Admiral, if Benj. Gelly cleared the ship in the Custom-House in England, he is master, and Capt. Rowe hath no power to act as such *etc.* If he *etc.* disputes your authority for acting as Constable in Bay Bulls, regard them not, but continue so to do according to the Instructions you have received from us *etc.* *Signed*, Wm. Weston, A. Southmayd. c—9, *Copies*. 3 pp.

1731. [422. iv]

(h) Deposition of John Butland. St. John's. 23rd Sept., 1731. *To same effect as iv (a) supra. Signed, Jno. Butland. Copy. 1 p.*

(i) Justices of Trinity Harbour to the Justices of John's. 17th Aug., 1731. Send, to be committed into safe custody, John Butler, servant to Nicholas Cable, who with others upon oath do declare that, after he had been committed to the stocks for breaking into his master's house and stealing a silver seal *etc.*, he did break out from thence and threaten the lives of several persons, and to burn their houses, also wishing that there may be a war with France, that he may joyn with them *etc. Signed, Jacob Taverner, Thos. Floyd, Francis Squib. Copy. 1 p.*

(j) Copy of iv (b).

(k) Copy of iv (a).

(l) Original of iv (i).

(m) Original of iv (k). [*The whole. C.O. 194, 9. ff. 90-91v., 93v., 95-97v., 98v., 99-114, 115-118, 119-120, 121-122, 123, 124, 125v.*]

Oct. 1.
Phila-
delphia.

423. Mr. Browne to Mr. Popple. Repeats 12th Aug. *Continues* :—An accident here of some piraticall goods, wch. were lately brought in by the ship *Joseph*, has taken so much of my time up, that I have not had leisure to perfect my remarks *etc.*, wch. shall go by the next opportunity *etc.* On this occasion Major Gordon has offer'd equal violence to Mr. Evan's Commission (who is Deputy to Mr. Robt. Byng as Recr. Genll. of the droits of Admiralty) and my own; *etc.* Begs their Lordships to await his remarks *etc. Signed, J. Browne. Endorsed, Recd. 6th Dec., 1731, Read 3rd May, 1732. Holograph. Addressed. 1½ p. [C.O. 5, 1268. ff. 82, 82v., 85v.]*

[Oct. 2.]

424. Observations by J. Sprogell on Mines in America. Since the mines belong to the King, the people in America do not care to discover them. If the Crown were to send out men to explore for them, and grant the inhabitants the benefit of them for a term of years, in a short time very rich mines would be discovered, and the Spaniards "could hang themselves for the money" *etc. Endorsed, Recd. 21st Oct. 1731, Read 17th Sept., 1735. 7 pp. [C.O. 5, 1363. ff. 167-168v., 170-171, 172v.]*

Oct. 2.

425. Certificate by J. Sprogell. Mr. Jacob Stauber intends to settle beyond the Blew Hills in Virginia, which never was attempted yet *etc. Certifies* that he is the fittest and properest person to undertake it, having known him this twenty years in Pennsylvania, when he made settlements in the remotest

1731. [425]

parts among the Indians, acquired the reputation of one of the best skilled in husbandry, and by his particular industry very handsome means *etc.* *Signed*, J. S. Sprogell, senior. *Endorsed*, as preceding. $\frac{2}{3}$ p. [C.O. 5, 1363. ff. 173, 176v.]

Oct. 5.

Fort
Frederick,
Placentia.

426. Lt. Governor Gledhill to the Duke of Newcastle. Words cannot paint the distress and distraction of this calamitous place, occasioned by a dre'full fire, which broak out yesterday morning and in the space of an hour, consumed the best of our houses, in this town, to ashes, and upwards of 70 thousand weight of bread and 180 thousand weight of flower with a bundance of other provisions *etc.* Had it not been for the vigellance of the troops of this garrison (which God knows is but 36 men) in blowing up the houses and extenguishing the fire, not only the whole town, but the garrison, also, had been in ashes. This ship being under sail I have only time, so far, to pay my duty to your Lordship, in this short acct., and farther to acquaint yr. Lordship that on the 15th of last month, I had the honour to inclose the state of this place, the garrison, and the fishery *etc.* *Signed*, S. Gledhill. *Endorsed*, R. 21 Decr. 1 p. [C.O. 194, 24. No. 22.]

Oct. 5.

Annapolis
Royal.

427. Lt. Governor Armstrong to the Council of Trade and Plantations. I take this opportunity, being the first that my health would permitt me to embrace since my arrival, to acquaint your Lordships of my return hither, in obedience to H.M. directions *etc.* *Will always* strictly comply with his Instructions *etc.*, "and what other your Lordships may at any time judge proper to send me, for my farther help in promoting H.M. interest, in this much neglected (and as I may venture to say) distracted Colony. Of which, tho' I doubt not Governor Philipps either has, or will give you an account, I also judge it my duty so far to represent the same, and the difficultys which I not only labour under at present, but likely to be farther involved into, without some other advice from your Lordships, for the people (I mean the French) that I have to deal with, are a perfidious, head-strong, obstinate and as conceited a crew as any in the world *etc.* Governor Philipps having appointed Major Cosby, the Lt. Governor of the Garrison, President of the Council, in prejudice of Major Paul Mascarene, and other senior Members, who complain highly of it as a peice of injustice ; I have thought therefore proper, to lay the same before your Lordships, for your determination, otherways I shall not have a Council, because the Gentlemen insist upon sitting and taking place at the Board, according to their senioritys, and are of opinion, that the eldest Counsellor is always he that should be president, or at least ought to succeed as such, upon which, I hope your Lordships will favour me with your opinion" *etc.* *Refers to* encl. ii. *Continues* :—Since Governor Philipps left this

1731. [427]

place, the 27th of August last, I have been favoured with a letter from His Grace the Duke of Newcastle in relation to pyrats, as also one from Mr. Secretary Popple with the Sollicitor and Attorney General's opinion upon fines and recovery *etc.* Several people having petitioned for grants *etc.* finds by their letter 20th May, 1730, he is restricted from giving any till Col. Dunbar has first set apart 300,000 acres for H.M. *Continues:* I must beg leave to observe to your Lordships, that delays in doing of it, may still retard the settling of the Province, especially of this part of it, and other adjacent places in the Bay of Fundy, and also at Canso. But it's hoped that these restrictions respect only to woodlands proper for masting, or even if the method of townships (tho' by far the best) is to be strickly observed. Your Lordships in your forerecited letter, have a just notion of our French inhabitants. But as they have taken the oath of fidelity, and thereby admitted to the priviledges and liberty of subjects, I beg your Lordships to inform me, how far they or their seigniors are intitled to lands abandon'd ever since the reduction of this place, and other waste and uncultivated lands, to which, especially since their taking the oath they lay claim, and plead the Treaty of Utrecht, tho' for these many years noways cultivated or improven, which if they are to enjoy without a limitation of certain conditions, the country will in a great measure remain a wilderness, and there will be scarce one acre left, especially in this place, to be granted to Protestant subjects, who are much desired, and for whom room might be found here, if these Seigniors did not thus pretend a right to the greatest part, if not the whole Province, without complying with such conditions, as may be naturally conjectur'd, that first moved his most Christian Majesty to make such concessions, which, if not remedy'd, will render this part of the Province a continual expence, and of no advantage to H.M., for whose use, there is not an inhabitant that pays a farthing rent, towards the defraying of such necessary charges that attends all Governments. As to which the Gentlemen of the Council, who are daily employ'd and harras'd with their affairs, (their being no other Court of Judicature) do, and that not without reason complain, in whose behalf I humbly recommend to your Lordships, to send us a table of fees, both in that respect, and the giving of grants, for wax and all other kinds of stationary ware here is very dear and expensive, and it's hoped that an annual supply thereof, may be ordered us from Britain. I must also beg leave to recommend to your Lordships the necessity of having the French inhabitants' estates survey'd and measur'd, because otherways it will be impossible ever to lay before your Lordships, any just plan of this country, for its said that some, if not all, of them possess and claim greater tracts, than they are anyways intitled to, and in case you approve thereof, I desire you will signify the same, and who is to be at the expence

1731. [427]

of so doing, and whether it is not necessary, as they refuse to renew and take grants from the Government, that their French grants should be recorded. They are a very ungovernable people, and growing very numerous and the method of treating with them upon any subject, is by their Deputys, of whom with the Council etc., till supply'd with more proper members, if there might be a smal Assembly constituted, they in time may be perhaps brought through their own free and voluntary acts to pay a greater obedience to the Government, and contribute to its support, and as Civil Magistrates are much wanted, I intreat your Lordships directions for appointing, at least some Justices of the Peace, and other inferior officers amongst them, to act in things, especially, that may relate to themselves, with such decorum as may oblige them still farther to depend upon the Government, by giving us information of the behaviour and clandestine proceedings of the rest. I have signified to your Lordships, that there are several people who have petitioned for grants, some of them are for smal plotts, in and adjacent to this town for houses and gardens, and others for tracts for farms, at Mines, but especially by several young people, who have settled themselves, some years agoe, at a place called Chippody in the Bay ; not far from Chiekenectua, where, if upon the Surveyor's report there is no woods proper for masting, I presume grants may be made out for the same, without being interpreted a breach of any article of the Instructions, tho' not laid out exactly in the same form as there directed, which I shall recommend to the Surveyor to do, as near as circumstances will permitt. These people's petitions were recommended by Governor Philipps before his departure, to the consideration of the Council, who finding some disputes were amongst them, defer'd the same till these differences were accomodated, and for that purpose Governor Philipps by Proclamation signified it to them, and appointed them by the 10th of Aprile next, to appear to make out their respective claims. I am so far, my Lords, of opinion, that if grants be given to these new planters, that the others may be thereby induced to renew their old grants, and hold immediately of H.M., and not off these Seigniors, who, in my opinion have forfeited their rights, through non-performance of the conditions. But if in this I differ from your Lordships, I still think it necessary, that these Seigniors should at least renew their grants, and pay the appointed quitt-rent etc. to H.M., which I think is but just, seeing they receive their rents annually from the other inhabitants, as to which likewise I beg your Lordships' advice. Ever since the reduction of this place there hath been strange jugling amongst these Seigniors, as well as the other inhabitants, who, as heirs, pretend a right of possession to the estates of those who left the country even at the Capitulation, and others pretend to have bought of those that went

1731. [427]

away, by virtue of her late Majesty's letter, dated 23rd June 1713; 'Tis true that Her Majesty gives liberty to such of the French as had a mind, to retire into the bounds and dominions of the French King, to sell their estates, but it's presumed only, those who had remain'd in the Province till that time, were intitled to the advantages therein mentioned, and not those who had abandon'd and left their estates, at the reduction of the place, in 1710. In relation to which, there being several disputes, I must intreat your Lordships' opinion, in order to decide the same; If H.M. letter can be interpreted to all in general, certain it is, that we shall never be without Seigniours, whereas, if only in favour of such as were then in the country, part of these Seigniors' estates now belong to H.M., and I have been told, that rents have been remitted from hence to some in the Dominions of France, which tho it may be forbid cannot be easily prevented here, no more than their clandestine trade with the people of Cape Breton, whither they transport annually above 3 or 400 head of cattle, besides sheep and other provisions, to the great prejudice of this province, which can only be prevented by having a sloop to cruise upon the Eastern coast and in the Bay of Vert. As I do not presume to the knowledge of forms for grants, I have therefore presum'd, to order a copy of one, used by Governor Philipps, for your Lordships' perusal, to be laid before you, and I hope to be favour'd with your advice, whether I may follow the same, or have a more formal one sent me. As to Canso I have been inform'd, that there are more fish this year than there are vessells to carry it to markt, and that Col. Dunbar's settlements, where there is a detachment of men from this regiment, improve daily. But of these, they being a[t] such a distance from hence, I can give no particular account. *Signed*, L. Armstrong. *Endorsed*, Reed. 10th Jan., Read 5th Oct., 1732. $3\frac{3}{4}$ pp. *Enclosed*,

427. i. Grant of lands in Nova Scotia by Governor Philipps to Joseph Watson and Co., of London, 24th Sept., 1729. $2\frac{1}{2} \times 4$ miles by Searrawink Harbour, now called George Town and Watson's Harbour. Reserving for the Royal Navy all trees seized as by Act of Parliament, and a quit-rent to the Crown, after 3 years, of one shilling, or three pounds of hemp, clean, bright and water-rolled, for every 50 acres at the election of the grantee etc. *Endorsed as preceding*. *Copy*. $2\frac{1}{4}$ pp.

427. ii. Representation of Major Paul Mascarene and other Members of Council of Nova Scotia, to Lt. Governor Armstrong. 27th Sept., 1731. *Described in covering letter*. *Signed*, P. Mascarene, Will. Shene, Adams, Wm. Shirreff. $1\frac{3}{4}$ pp. [C.O. 217, 6. ff. 99-102v., 103v.-106v.; and (abstract of covering letter, with notes for reply) 217, 30. pp. 40-49.]

1731.

Oct. 5.
Whithal.

428. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. Request payment for Office expences and Officers' salaries for quarter ending Michaelmas. Account annexed. [C.O. 389, 37. p. 331, 332.]

Oct. 5.
Whitehall.

429. Council of Trade and Plantations to the Duke of Newcastle. Enclose following, to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed,*

429. i. Extract of Governor Worsley's letter, June 27, 1731, relating to St. Lucia, Dominico and St. Vincents.

429. ii-iv. Copies of encl. June 27, 1731. [C.O. 152, 40. Nos. 33, 33 i-iv.]

Oct. 6.
Barbados.

430. Samuel Barwick, President of the Council of Barbados, to the Duke of Newcastle. Col. Henry Worsley our late Governour has in pursuance of your Grace's letter delivered up the ensigns of Government to me as President and embarked on board the *Bridger* Capt. Webster on 21st Sept., in order to saile for ye Kingdom of Great Britain. I shall endeavour to execute with all diligence and faithfulness H.M. Commission and Instructions *etc.* *Signed,* Samll. Barwick. *Holograph.* 1 p. [C.O. 28, 45. ff. 197.]

Oct. 6.
Barbados.

431. Samuel Barwick, President of the Council, Barbados, to the Council of Trade and Plantations. His late Excellency Coll. Henry Worsley embarqu'd on Tuesday 21st Sept., *etc.* having first delivered up the ensigns of Government to me as President, which office I shal endeavour to execute with all diligence and faithfulness *etc.* *Signed,* Samll. Barwick. *Endorsed,* Recd. 26th Nov., 1731, Read 23rd Feb., 172 $\frac{2}{3}$. *Holograph.* 1 p. [C.O. 28, 23. ff. 39, 42v.]

Oct. 7.

432. Address of the Assembly of Barbados to the King. We *etc.* humbly begg leave with gratefull hearts to give your Majesty our unfeigned thanks for your Majesty's great goodness to us in removeing Coll. Henry Worsley from the government of this Island. Many and great were the hardships and heavy were the greivances that this your Majesty's Colony lay under for severall years last past under the administration of that Gentleman, who not content with an extravagant settlement of 7,800*l.* a year (which on his arrivall here, taking advantage of the then unsettled state of the times, he procured the publick to submit to) omitted no art or means whatsoever to improve his advantages over them, and extorted many large sums of money from them, and made the Island no further his care than as it contributed to his private profit, and farr from promoting it's good ever opposed everything that tended thereto, and then debarred the opprest inhabitants the liberty, which all your Majesty's other Colonies enjoy, of having Agents in Great

1731. [432]

Britain to preffer their complaints and represent their grievances to your Majesty, on whose paternall care and royall clemency they depend. This the sd. late Governour effected by his management with the members of your Majesty's Council, too many of whom seem to have thought it their duty to pay a blind obedience to his will, and thro' the fear of an immediate suspension in case of any non-compliance with his interests or passions were influenc'd to the meanest submissions, and acted as if they had been indispensably bound to concur with him in every attempt of his on the libertyes and propertyes of the poor inhabitants of this island, and in order to favour H.E.'s vexatious pretensions and demands on the publick have even ventured to affirm, in a late address to your sacred Majesty, that they are not sensible of any poverty in this your Majestye's island, but what has been occasioned only by personall extravaganzas, whereas 'tis most notoriously apparent that the wealth and strength of this island has for some years last past been continually declining, and that its trade is at present on so bad a foot that it must soon be intirely lost if some immediate remedy be not applyed; But the late signall instance of your Majestye's grace to the island in recalling Coll. Worsley (by whose removall a heavy annuall tax, too heavy indeed to be longer born, is at length determined) encourages us to hope still greater marks of your Royall favour, and that by your Majestye's continued goodness to us this Colony will not only be preserved from the ruin now impending over it but be restored to a flourishing condition under the dominion of the best of Kings. Wee ardently implore the Almighty God to grant your Majesty health, wealth and length of dayes, and that the British Empire may be for ever established in your Majesty and your august house. *Signed*, Robt. Warren, Cl. of the Assembly. 1 large p. [C.O. 28, 45. ff. 199.]

Oct. 8.
Jamaica.

433. Governor Hunter to the Duke of Newcastle. *Encloses* duplicate of Council's Address; repeats condition of regiments *as preceding* (v. Sept. 24) (No. 415). *Continues*: Having by advice of the Council ordered out a party from Port Antonio to destroy or dislodge the rebel slaves in the neighbourhood of that place and sent thither the arm'd and baggage negroes as directed by an act of Assembly, sickness or rum has reduced these five companys to such a pass that, as the Commanding Officer there writes, he has not twenty men able to march. I have ordered a reinforcement of thirty men from this side to embark on board one of H.M. ships forthwith for Port Antonio, that the country after this great expense may not be disappointed and the rebels encourag'd, but services of this sort go so heavily forward that I can entertain but faint hopes of success. *Encloses* list of Acts passed *etc.* *Continues*:—One of the King's ships sent out by Rear Admiral Stewart to cruize upon the Guarda

1731.

[433]

costas has brought in hither two Spanish trading sloops, this has given Mr. Stewart much disquiet having engaged him in a paper squable with the merchants of Kingston. The young gentleman Crawford who commanded that cruizer stretcht his orders as I really believe for fear of falling short of them; however at Mr. Stewart's desire I lay'd the whole affair before H.M. Council here who were unanimous in their opinion that since H.M. had been pleased to approve of his conduct in suspending the execution of his orders relating to reprisals and that he was made to expect speedily further orders in that matter, and that no formal information of captures of English vessels had been given in here since that of Benson's, which indeed was the only one we have had, he should release them; which I believe he will do speedily. He has sent a particular account to the Admiralty *etc.* I have not had the honor of any commands or advices from any of the publick offices of later date than the middle of May last. A merchant ship lately arrived on the North side of this island brings news of a general march of the forces towards the coasts in the Channel a general press for manning fifty ships of the line. This may be such ship news as we have been used to, but I must in duty acquaint your Grace that in case of any rupture this island is in a bad state of defence. There has been for many years pass'd great numbers of Irish introduce'd here as servants which constitute the body of our Militia, hired servants of any sort will make but bad soldiers, but those of that nation whose hearts are against us and have neither honor or interest to regard must be reckon'd as a drawback upon the real strength we may have, as I too well know by experience, and which makes that matter still worse, some of them, lawyers, have got such an ascendant over the thoughtless planters, that they have the chief influence in the election of Assemblymen, and great influence in that House to the obstruction of publick business and all measures for the safety of this island. If your Grace would be pleased to advise H.M. to reject the Act repealing the Protestant act, as 'tis call'd, it may help us in some measure, but his approbation of it will give such matter of triumph to that party that all my endeavours how vigorous soever may be rendr'd of little use to H.M. in the preservation of this island when it may be in danger. On the 19th of August last the gallions twelve in number met with a hurricane in the latitude of Bermudas, four of them put into Porto Rico, two to Cape François all without their masts, the other six we know nothing of hitherto. That storm did not reach this island. *Signed, Ro. Hunter. Endorsed, R. Jan. 22. 4 $\frac{3}{4}$ pp. Enclosed,*

433. i. List of Acts passed last session of Assembly.
Duplicate of July 22. *encl. i. No. 316 i. [C.O. 137, 53. ff. 378-380, 381v.-382.]*

1731.
Oct. 8.
London.

434. Merchants of London to the Council of Trade and Plantations. *In reply to Sept. 1st, enclose following in support of their grievance. Signed, Hum. Morice, Micajah Perry, Rd. Harris and five others. Endorsed, Recd. 23rd Oct., Read 16th Nov., 1731. 1 p. Enclosed,*

434. i. Particular facts and instances in support of the Merchants' petition, (v. 12th Aug. No. 367 i.). (i) Lands and houses are not liable to pay debts in *Jamaica* and some other Colonies, though by the laws of England estates in the Plantations are deemed chattel. On a representation of their not being liable to pay debts in *Jamaica*, H.M. gave instructions to Governor Sir Nicholas Lawes that "whereas it appears that lands are not extendible in *Jamaica* by the act for establishing courts etc., which is a great prejudice to creditors and discredit to trade; you are therefore to recommend to the Assembly the passing a law for remedying that inconveniency, or for the more easy recovery of debts." The passing a law to this effect was recommended several times by Sir N. Lawes, to the Assembly, as also by the Duke of Portland in his Government, and by the present Governor etc., but the Assemblies have refused passing any such law etc. *Refers to encl. ii.* (ii) By an act passed in *Virginia*, 1705, declaring how long judgments, bonds and accounts shall be in force etc., there was a method prescribed for the recovery of debts, but the act having H.M. disapprobation on account of some other clauses, it was expected the method prescribed would have been re-enacted, but the Assembly refused etc. (v. Minutes of Council and Assembly 1730 and encl. iii.) By an act in the volume of laws of *Virginia*, 1661, the priority of the payment of debts is given to the creditors who are inhabitants of that Province, and by another act, 1663, debts owing to persons, non residents were not pleadable, unless for goods imported. By another act, 1661, *Virginia* owners are exempt from paying the duties of 2s. per hhd., which the merchants of Great Britain and other owners of ships are obliged to pay. By another act, 1669, the *Virginia* owners are also exempt from paying the Castle duty of 1s. 3d. pr. ton which the merchants and others residing in this Kingdom are obliged to pay. By another act, 1680, the *Virginia* owners have the above privileges confirmed to them. By another act, 1730, for continuing part of an act for laying a duty on liquors etc., there is 3d. per gall. laid on all liquors imported by merchants and others residing in this Kingdom, and but half that duty on persons residing in the said

1731. [434. i]

Province. (iii) By an act of *Maryland* a duty of 3*d.* pr. ton is imposed on English ships, from which the ships of the inhabitants are exempted. (*Note*, now repealed). By another act non-residents are obliged to pay a double duty for furs exported. Traders from Great Britain were deemed residents. By another a duty of 1*s.* pr. barrel is laid on pork imported by any but inhabitants in lieu of the duty on furs, but the English traders' privileges not preserved. By another a duty of 3*d.* pr. gall. (which duty if brought by land from *Pensilvania* is greater) is laid on all liquors; and also a duty of 20*s.* pr. head on negroes and Irish servants, neither of which are to be paid, if imported in vessels belonging to inhabitants of the said Province. By another, *for the relief of creditors in England against bankrupts who have imported any goods into this Province not accounted for*, no creditor of a bankrupt can recover any debt *etc.* (v. encl. iv.). By an act of *Jamaica* for repairing the walls of Port Royal, a duty of 1*s.* pr. ton is imposed on all shipping. (*Note*: expired). By another, *to oblige the inhabitants to provide themselves with a sufficient number of white people etc.*, there is 1*s.* pr. ton laid upon all shipping coming from any place to the Norward, or trading any way to the Southward of the Tropic of Cancer, for the space of one year. By another, *for raising several sums etc.*, there is a duty of 15*s.* a head laid on the importation of all negroes *etc.*, and 30*s.* on the exportation of them *etc.* *Quote* H.M. Instructions to show that it is his pleasure that no duties should be imposed by Assemblies, whereby the trade and shipping of this Kingdom can be anyways affected. *Copy.* 2 $\frac{3}{4}$ pp.

434. ii. John Tymms, merchant in Jamaica, to Humfrey Morice Esq. 13th Sept. 1731. It seems quite counter to the inclinations and intentions of the Assembly to pass a law for the easier recovery of debts, as had been hoped, they having rejected a motion made for that purpose by a considerable majority *etc.* It is evident we must still labour under the uncertainties and difficulties we have done for many years to our unspeakable loss *etc.* *Insists* on the need of a law to extend both real and personal estate *etc.* As it is, the principal parts of their estates are exempted by law from the payment of debts and negroes are frequently driven away into the woods or mountains out of the Marschall's way. For instance the small benefit accruing from legal processes, the Houses in Kingston in which I am a partner obtained

1731.

[434. ii]

in one fraud Court 22 judgments, and the Provost Marshall returned to 19 of them *nulla bona nec persona et non est inventus*. This is an evil which prevents attempts at the better settlement of the island *etc.* Another evil which is not only mischievous but scandalous, and altho' expedients have been frequently offered by several Governors to remedy it, yet hitherto nothing has been done in it; which is the uncertain value of the money. It has been raised within my knowledge 25 pr. cent., and until the real value is ascertained, it is impossible to say how much higher it may advance. So long as any person or persons have it in their power to alter the value of our currency, no man can be sure to receive 10s. in the pound for his debt who has any concern in the Island, *etc.* *Does not reflect* upon the honour of anyone in Jamaica, but imagines they do not see the prejudice and detriment these evils must be to themselves if not remedied *etc.* *Copy.* 2 pp.

434. iii. Extract of letter from the Attorney General of Virginia (John Clayton) to Mr. Alderman Perry. Williamsburgh. July 23, 1730. Describes how he himself brought a bill into the Lower House for allowing the former method of proving accounts of persons living out of the country, but it was rejected after the first reading *etc.* *Copy.* 1 p.

434. iv. Opinion on a case of recovery of debts in Maryland. Annapolis, 13th May, 1728. *Signed*, Edm. Jenings. *Copy.* 1½ pp. [C.O. 323, 9. ff. 73, 75, 76-77, 78, 78v., 80v.]

Oct. 8.
Jamaica.

435. Governor Hunter to the Council of Trade and Plantations. *Transmits* by H.M.S. *Larke* the six acts passed in the last session of Assembly. *Continues*: Two of them only are of a publick nature, one for continuing the country subsistence, and another for continuing in force a former party act. *Encloses Journals and Minutes of Council and of Assembly.* *Continues*: I think none of the acts want any remarks. The private acts the partys concern'd will solicit. For we have now no Agent for this Island, the Council and Assembly differing as to the nomination and instructions. The two Regiments sent hither are in a deplorable condition of health, one half of the men dead, by dint of rumm, and Officers, the rest very sickly. I hope all is quiet at home, we are but in a poor state for defence here, our Militia consisting chiefly of servants, and these of a sort whose hearts are not with us, consequently their hands of little use for us, whatever they may be of against us. The island is richer in its produce but poorer in people than ever *etc.* *Signed*, Ro. Hunter. *Endorsed*, *Recd.* 24th Jan., Read 8th Feb., 173½. 1½ pp. [C.O. 137, 19. ff. 105, 105v., 106v.]

1731.

Oct. 10.
Nassau.

436. Governor Rogers to Mr. Delafaye. *Refers to* letter of 29th June, "by a vessell sent by Mr. Colebrooke with his appeal to H.M. in Council, from the sentence passed on him here." *Has transmitted* the trial to his Agents to be laid before H.M. etc., "which I hope will prevent any ill impression being taken to my prejudice, from any complaint of Mr. Colebrooke till my son appears to answer to such, being the bearer of this etc., and now going home on purpose to extricate himself from his unfortunate partnership, and to answer whatever allegations, Mr. Colebrooke may make to justify his unaccountable behaviour in this Government." *Continues* :—I could wish the most material circumstances of the tryal had been insisted on with less warmth than appears to have been used by the Attorney General, notwithstanding Mr. Colebrooke's aggravations, but as there cannot be expected the same decorum in these as in the Courts of Europe, I hope these slips will be passed over, and the more essential points regarded; from which I doubt not it will appear that unless Mr. Colebrooke is restrain'd from his violent attempts to disturb the Government, and influence the ignorant, it will be impossible for any Governr. to doe his duty or support his authority, which I have fully experienc'd since my last arrival here. *Refers him to* his son for information etc. *Signed*, Woodes Rogers. *Endorsed* R. Dec. 16. 2½ pp. [C.O. 23, 12. No. 103.]

Oct. 11.
New
Providence.

437. *Same to* Mr. Popple. Encloses answers to the Board's queries "from the best accounts I've yet gotten" etc. (v. No. 439.) *Refers to* his son who will wait on him, and has resided for nearly three years in the Bahamas etc. *Signed*, Woodes Rogers. *Enclosed*, Reed. 13th Jan., 173½. *Holograph*. 1 p. [C.O. 23, 3. ff. 84, 85v.]

Oct. 14.
New
Providence.

438. Governor Rogers to the Duke of Newcastle. I had the honor to transmit to your Grace the trial of Mr. Colebrooke at large on 2nd Aug. etc. *Refers* his Grace to his son for further information (cf. No. 436.). *Encloses* proceedings of Council and Assembly, by which it will appear what obstructions he has met with and what methods have been made use of to prevent the concurrence of the Assembly for the repair of the fortifications, thro' the single influence of Mr. Colebrooke. *Continues* : Which still continuing over those ignorant people who compos'd the late Assembly, I find myself oblig'd to suspend the convening any other till I have the honor of hearing from your Grace etc. being convinc'd nothing can be done either for H.M. service, or the benefit of this poor Colony, whilst they are amus'd as they have hitherto been. As nothing has yet been done towards the repair of the fortifications, more than my building convenient lodgements for the officers and soldiers, which I found absolutely necessary on my arrival,

1731. [438]

my son will have the honor to represent to your Grace how much they are in want thereof, and unless I can have the assistance of the inhabitants therein, or some other measures taken to put us in some defensible condition, I greatly apprehend we must unavoidably become an easy prey to those potent neighbours who are so near us, should a warr happen *etc.* *Signed*, Woodes Rogers. 2 pp. *Enclosed*,

438. i. Minutes of Council and Assembly of the Bahama Islands, Aug. 9, 1730—Sept. 8th, 1731. *Endorsed*, R. 21st Jan. 45 pp. [C.O. 23, 14. ff. 197, 197v., 198v.—221, 222v.]

Oct. 14.
N.
Providence.

439. Governor Rogers to the Council of Trade and Plantations. *Begins as preceding letter. Encloses* proceedings of the Council and Assembly and answers to the Board's Queries, "together with an account of every family on this island" *etc.* *Continues*: Having since advis'd with H.M. Council on the most proper methods to encourage inhabitants from other parts to settle on this island, it is the unanimous opinion of that Board, that nothing will so much contribute thereto as H.M. goodness in taking the same under his royal protection, frequent contentions having arisen with the agents to the Proprietors of co-partners and the inhabitants concerning the property of the lands, which have greatly discourag'd such as have receiv'd titles from either, and I am much of opinion next to the disputes occasion'd by the abovemention'd Mr. Colebrooke have also impeded the increase of inhabitants in this Government. *Repeats part of preceding. Continues*:—The frequent ill health of most of the soldiers of the Garrison here has render'd it impossible for me to effect anything more than the building a convenient guard room and lodgements for the officers and soldiers which on my arrival I found absolutely necessary, not having as yet had the least assistance from the inhabitants towards the repair of the fortifications, which gives me reason to apprehend that should a war happen before we are in a more defensive condition we shall avoidably become a prey to either the French or Spaniards near us, who, I doubt not are too sensible of the advantage of our situation not to make this first attempt on this island. I hope soon to visit Columba alias Cat Island, which being esteem'd the most fertile of any in this Government shall transmit to your Lordships a particular account thereof, which I should have effected with the other queries, but was disappointed in my expectation of seeing Capt. Gascoigne this way last spring whom I propos'd to have join'd in making that survey, *etc.* *Signed*, Woodes Rogers. *Endorsed*, Recd. 13th Jan.; Read 3rd Feb., 173½. *Enclosed*,

439. i. A particular account of all the inhabitants of the Bahama Islands. *Names given.*

1731. [439. i]

- (1) On Providence, White men, 190, women, 135, children, 308. Able negroes, 237, negroe children, 172. (2) Harbour Island, White men, 31, women, 27, children, 102. Negroes, 8, children, 1. Islathera, White men, 25, women, 28, children, 79. Negroes, 30, children, 5. *Endorsed as preceding.* 7 $\frac{3}{4}$ pp.
439. ii. Account of duties received Jan. 1729—1730. 958. ps. 8/8. Paid on the public account, 86 ps. 8/8. *Signed, John White.* 5 pp.
439. iii. Account of same, 12th Feb.—20th Sept., 1731. 409 ps. 8/8. 4 $\frac{1}{2}$ r. Paid, 867 ps. 8/8. *Same endorsement.* 2 pp.
439. iv. Account and description of the Bahama Islands. *Replies to Queries of Board of Trade.* The islands of most note are Providence, Harbour Island and Islathera because they only have any inhabitants on them etc. *Latitudes and longitudes given.* Harbour Island so called from the harbour it makes between that and Islathera etc. The uninhabited islands are first the Grand Bahama, next to it Abacoa, Cat Island, *als.* Columba, Watlings Island etc., the Buninies etc. *Described.* *Cf. former reports.* *Concludes:—*Fort Nassau on Providence has 30 guns mounted and wants much repair. Heavy guns for a battery under the walls to defend the harbour's mouth will be mounted this winter. A large guard-room was built last year for the officers and soldiers, their shelter having been blown down by a hurricane etc. The Revenue these two years past, though more than it was, has been very inconsiderable, an easy duty being laid on liquors and other imported goods, as well as on vessels built in this Colony. There are not 800 acres of land cultivated on Providence, and great part of that dispersed in patches up and down etc. As the inhabitants will inclose no ground, the cattle do very much damage to the little plantations they have made. In Harbour Island and Islathera there is more land cultivated than on Providence, but as they also plant in patches here and there throughout the islands as they think fit and change them so often 'tis impossible to make a just computation of the whole till they can be brought to inclose their ground and clear it from the wood etc. *Same endorsement.* 13 $\frac{1}{2}$ pp. [C.O. 23, 3. ff. 1-4, 5-8v., 10-12, 13v.-14v., 15v., 16, 17v.-24v., 25v.]

Oct. 20. 440. Memorial of loss and damage (1083*l.* 15*s.* 3*d.*) sustained by Bryan Blundell, of Leverpoole, and others, owners of the *Mary* snow, taken in Oct., 1730, by a Spanish privateer in her

1731. [440]
 passage from Liverpool to Jamaica. Deposition, *signed*, Cha. Pole, of London, merchant. 1 p. *Enclosed*,
 440. i.-ix. Invoice, depositions and correspondence relating to foregoing. *Copies*. 12 pp. [C.O. 388, 93. Nos. 20, 20 i.-ix.]
- Oct. 21. **441.** Mr. Popple to Jeremy Dunbar. *Requests* an account
 Whitehall. in writing of any laws made, manufactures set up, or trade carried on in any part of America where you have been which may affect the trade, navigation and manufactures of this Kingdom, and upon this subject my Lords would be glad of speaking with you. [C.O. 324, 11. p. 248.]
- [Oct. 22]. **442.** Some reasons showing the necessity and reasonableness of removing Wavell Smith Esq. from being a Member of Council in St. Christophers, according to the petition of Thomas Beake, Agent for the Island *etc.* *Endorsed*, Recd. (from Mr. Sharpe) 22nd Oct., 1731, Read 18th Sept. 1735. 6 pp. [C.O. 152, 21. ff. 170-172v., 173v.]
- Oct. 22. **443.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of Antigua, 1731, *to enable Robert Oliver to confirm the title of lands by him sold to Lt. Gov. Byam etc.* *Recites* Act. *Concludes*: I am humbly of opinion that your Lordships may advise H.M. to approve thereof, as there is no prejudice done to the issue intail, but an adequate provision made for his right and in such a manner as is most for the service of this family. *Signed*, Fran. Fane. *Endorsed*, Recd. 25th Oct., 1731, Read 4th April, 1732. 7½ pp. [C.O. 152, 19. ff. 113-116v., 118v.]
- Oct. 23. **444.** J. Benson to the Council of Trade and Plantations.
 Bideford. *Encloses* following, from the Admiral of the fishing ships at Placentia, which could not be delivered to the Commodore, because the fishery was not closed before his departure thence *etc.* *Signed*, Jon. Benson. *Endorsed*, Recd. 27th Oct., 1731, Read 9th March, 173½. *Addressed*. *Postmark*. 1 p. *Enclosed*,
 444. i. Scheme of the Fishery at Placentia for 1731. *Signed*, James Chappell, Admll. Placentia, 11th Sept. 1731. 1¾ pp. [C.O. 194, 9. ff. 138-139v.]
- Oct. 24. **445.** Extract of letter from Major Doyle to Brigadier Jones.
 St. There has been a rich Spanish ship lately cast away near Spanish
 Xtophers. Town, which I greatly apprehend will give us considerable trouble, if not worse; It seems the inhabitants of the island, instead of assisting, have plundered the sd. ship and killed several of their men, most barbarously, which has so enraged the Spaniards, that they will not be satisfied, but in the destruction of the whole island. The man of war stationed here, is ordered by the Commander in Chief to go to their assistance, and three days past I received *enclosed* letter *etc.*

1731. [445]

Continues: How it will end, we cannot even guess as yet, but I perceive that the governing part of this Island do not care to be at the expence of putting in provisions for a time, and hazarding their sloop, which if lost would cost them 500*l.*; These apprehensions of theirs may possibly save us the trouble of a voyage, which I confess I should not be sorry for, but be it as it may we shall be ready whenever called upon. *Copy.* 1 p. *Enclosed,*

445. i. Michael Smith, President of Nevis, to Major Doyle, Nevis, Oct. 19, 1731. Receiving an account that some Spanish sloops have in a hostile manner made an attempt to land on H.M. Island of Spanish Town, to the great terror of the inhabitants there who have made all the defence in their power; but fearing a second attempt have applied to me by their Lt. Govr. Coll. Phipps for releif, have accordingly given directions to President Estridge that a sloop be forthwith impress'd, as it is for H.M. immediate service to take on board a Company of H.M. troops under your command *etc.*, with as many of the inhabitants under the command of Militia Officers as are willing to go, in order to give those H.M. subjects all releif possible *etc.*, who are to join Capt. Baker, H.M.S. *Seahorse* for that purpose. *Signed,* Michael Smith. *Copy.* 1 p.

445. ii. Major Doyle to President Smith. St. Christophers. Oct. 20, 1731. *In obedience to preceding,* has 30 men with officers ready. "As soon as Mr. President Estridge shall inform me that a sloop is ready, provisions, ammunition *etc.* provided on board *etc.* they shall forthwith embark" *etc.* The Counsell and Assembly are to meet to-morrow at Sandy Point, where I will wait upon the President to know when and where we are to proceed, *etc.* *Copy.* 1 p. [*C.O.* 152, 43. *ff.* 153, 155, 157.]

Oct. 25.
Whitehall.

446. Council of Trade and Plantations to the Duke of Newcastle. Enclose extract of Governor Worsley's letter 27th June 1731, relating to the English and French families on Sta. Lucia, Dominico and St. Vincent's, and the designs of the French in those parts, to be laid before the King. [*C.O.* 29, 15. p. 238.]

Oct. 26.
Whitehall.

447. Mr. Popple to Mr. Burchett. *Encloses* case and appeal from Vice-Admiralty Court at Boston received from Col. Dunbar. *Continues:* My Lords Commissioners request that the Lords Commissioners of the Admiralty will give directions for prosecuting the appeal, which is the more necessary since by accts. from New England great waste and abuses continue still to be committed in H.M. woods in those parts. [*C.O.* 5, 916. p. 433.]

- 1731.
- Oct. 26. **448.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 18 Acts of the Massachusetts Bay, 1731. *Signed*, Fran. Fane. *Endorsed*, Recd. 27th Oct., Read 11th Nov., 1731. 3 pp. [C.O. 5, 873. ff. 255-256v.]
- Oct. 26. **449.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 9 acts of the Massachusetts Bay, 1728, 1729. *Signed*, Fran. Fane. *Endorsed*, Recd. 27th Oct., 1731. N.B. These acts were referred by Order in Council. 1½ pp. [C.O. 5, 876. ff. 3, 3v., 4v.]
- Oct. 26. **450.** Thomas Lowndes to Mr. Popple. Encloses following from the Chief Justice of S. Carolina, to be laid before the Board. *Continues* : By Act of Assembly a sallary is settled on the Chief Justice, which, with the old sallary out of the quitt-rents will make £200 p. ann. And I suppose long before this they have passed the Jury-bill, because they had it under consideration in the middle of last April ; so that the capias act, so prejudicial to trade and so obstructual to common justice, may (if their Lordships think proper) be repealed without any sort of inconveniency in any other respect. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 26th Oct., Read 16th Nov. 1731. *Holograph*. 2 pp. *Enclosed*.
450. i. Chief Justice Wright to Mr. Lowndes. South Carolina, Aug. 6th, 1731. *Extract*. I saw a letter to the Governour, from the Board of Trade, by which it was recommended to revive the Summons law, I am well assur'd that can't be effected. It was given up by the late President to please the multitude, but in vain, for they insulted him and all the Magistracy the more for it ; having as they judged, got the power into their own hands by that very point. If it is H.M. pleasure (as it is the interest of this Province) to have it revived, I apprehend (as very few if any of the laws of this Province have been approved or ratified at home) that his Majesty may declare the repealing act null and void and confirm the Summons law, neither of them having as yet been approved or disapproved by H.M. This would make the merchants and trading part of this Province easy. *Signed*, Robt. Wright. *Copy*. 1¼ pp. [C.O. 5, 362. ff. 42-43v., 47v.]
- Oct. 27. **451.** Council of Trade and Plantations to the King. Enclose
Whitehall. draft of Instructions for Lord Baltimore, relating to the Acts of Trade (for Lt. Gov. Ogle), " which are to the same effect as those given for the direction of Benedict Leonard Calvert, except that we have added the 13th Article, which is in the same terms with the Additional Instructions to Governors relating to the Receivers appointed by the Commissioners for collecting the sixpence pr. month from seamen's wages for the

1731. [451]

Royal Hospital at Greenwich *etc.*, and that we have left out so much of the 18th article given to Mr. Calvert as relates to the importation of stript tobacco conformable to the Act repealing a clause in an Act prohibiting the importation of tobacco stript from the stalk or stem *etc.* [C.O. 5, 1294. pp. 43, 44.]

Oct. 27. **452.** Certificate that John Hammerton has given the
The King's security required (v. Sept. 16th, 1730). *Signed*, Geo. Arbuthnot.
Remem- *Copy.* [C.O. 324, 49. f. 79.]
brancer's
Office.

[Oct. 28.] **453.** [? *Mr. Ochs and Mr. Stauber*] to the Council of Trade and Plantations. Having observed the Board's objections, 20th inst., concerning the pretensions of the Lords Baltimore and Fairfax about their limits westwards *etc.*, *quote said* limits from their charters, and *beg for* despatch and, having submitted to the terms proposed by the said Board which are encouraging to the people, *pray* that some recompense for their own expence and trouble may be considered *etc.*
Without date or signature. 2 pp. [C.O. 5, 1322. ff. 183, 183v., 184v.]

Oct. 28. **454.** Order of King in Council. Approving draught of
St. James's. Instructions for Lt. Gov. Ogle. *Signed*, W. Sharpe. *Endorsed*,
Reed. 15th Aug., Read 7th Sept., 1732. 2½ pp. [C.O. 5, 1268.
ff. 95-96v.]; and 5, 192., ff. 601, 602.]

Oct. 29. **455.** Governor Beleher to the Duke of Newcastle. *Abstract.*
Boston. Since his letter of 21st Aug., has made a visit to New Hampshire *etc.* *Encloses what* passed at a session of the general Assembly held there. *Continues*: I am sorry to acquaint your Grace that the long standing dispute between the Massachusetts and New Hampshire respecting boundaries between them is yet brought to no conclusion. But the inhabitants bordering upon the line, are still expos'd to great inconveniences and hardships, and according to my best observation N. Hampshire is willing in this matter to conform to the Royal Instruction. But I think the Massachusetts are not so frank in the affair, as in reason and justice they ought to be. Nor do I believe this long controversy will ever be adjusted but by directions from H.M. at home, and New Hampshire seems to be determined to make their application to the King to give special orders to some Commissioners here to make a settlement of the line, and return it home to H.M. for his approbation. I have nothing material to say to your Grace respecting this Province, only to inclose the Journals of the House of Representatives from the last time I sent them; I am in daily expectation of H.M. pleasure on what I have so often wrote respecting my support *etc.* and the supply of the Treasury *etc.* I am sorry to find myself

1731.

[455]

obliged to trouble your Grace upon a dispute that happened in Augt. last with Col. Dunbar about the Fort William and Mary at New Hampshire on which account I understand he has made a long complaint against me *etc.* *Continues*: I had lodg'd orders with the President of H.M. Council at New Hampshire to receive Col. Dunbar when he came with the King's Commission with all proper respect, and for this he thank't me, and notwithstanding his former ill-treatment of me, I was really desirous of living in a good understanding with him, which I thought wou'd most of all constitute to the honour of the King's Government and the peace of his subjects *etc.* But Col. Dunbar has such a thirst of honour and power beyond his rank, that no gentleman that is his superiour will ever condescend to *etc.* *Continues*: When the Capt. of the Fort William and Mary wrote me, "As to the Fort your Excellency has been pleased to favour me with, the Leuit. Govr. says he shall never accept of your Commission for it, for that the says he looks upon with contempt, but swears nobody shall command there, but by a Commission from himself" *etc.*, I then thought it high time to assert the King's honour, and to let the Leuit. Govr. (and all the world) know such insults were intolerable, and certainly such a behaviour cannot be consistent with the duty of a Leuit.-Govr. to his Capt. General and Govr. in Cheif, but must produce anarchy and confusion *etc.* The Governor has never been esteemed absent from New Hampshire when in the Massachusetts, and the King has settled it with respect to me in his 36th Instruction and in the Leuit. Governor's Commission *etc.* *Continues*: I had no controversy with the late Leuit. Govr., nor did he do one thing in the Government without my special leave and direction; it being but 66 miles from here, and the post passing every week *etc.* Encloses affidavit by Capt. Walton *etc.* *Continues*: "The Leuit. Govr. has not been at New Hampshire for 6 or 7 weeks past, and the Province has been in profound quiet and will continue so, if he keeps out of it. As it is no service to the Crown, nor any benefit to him to be Leuit. Govr., I would beg it of your Grace as a very particular favour that his commission may be superseded, and Col. Sherburne appointed *etc.* Mr. Westbrook and Mr. Frost have lately desir'd to be dismiss from H.M. Council at N. Hampshire *etc.*, and to make up the number of seven according to the King's Instructions, I have appointed Richard Waldron and Benjamin Gambling, gentlemen of good capacity and vertue" *etc.*, for whom he again requests the King's mandamus *etc.* *Set out*, Mass. Hist. Soc. Coll. 6th Ser. VI. 10. *Signed*, J. Belcher. *Endorsed*, R. Jan. 5th. 4 pp. *Enclosed*,

455. i. Vote of Council and Assembly of N. Hampshire, for apportioning taxes, Sept. 18 and 24, 1731. *Copy*. 1 $\frac{1}{3}$ pp.

1731.

455. ii. Affidavit by Mr. Wibird. Portsmo. Sept. 20, 1731. In reply to Lt. Gov. Dunbar, deponent informed him that the Lt. Governor's perquisites proceeded from the Captain General. He replied, "I swear I never will take a Commission under Governr. Belcher." *Signed, R. Wibird. Copy. $\frac{2}{3}$ p.*
455. iii. Votes of Council of Assembly of N. Hampshire, Sept. 21—25th, 1731, for appointing Commissioners to meet those of the Massachusetts Bay for settling the boundary line, strictly adhering to H.M. Instruction. If unable to agree, proceedings to be transmitted to be laid before H.M. in Council *etc. Copy. $2\frac{1}{3}$ pp.*
455. iv. Vote of Council and Assembly, Sept. 24, 1731, that an account be rendered of the powder duty *etc. Copy. $1\frac{1}{2}$ pp.*
455. v.—viii. Votes of Council and Assembly, Sept. 24, 25 for powder duty, repair of prison *etc. 4 pp.*
455. ix. Deposition of Capt. Walton. Portsmouth, Sept. 25, 1731. In July Lt. Gov. Dunbar asked me whether I had a Commission for Fort William and Mary at Newcastle. I told him I had one from Governor Belcher. He replied nobody should command there unless under him *etc.*, and as for taking H.E.'s commission for it, he swore he scorn'd it, defied it and spit at it. On Aug. 14 he came down to the island to take command of the fort as Capt. I told him he might have entrance as Lt. Governor or as a gentleman, but not as Captain of the Fort, or in derogation from my Commission from H.E. *etc.*, and showed him H.E.'s orders to that effect *etc.* On 20th Aug. I informed him that I had H.E.'s order to permit no vessel to pass the fort but such as brought passes signed by H.E. or the Lt. Gov. wherein he specially mentions, *having duly cleared with Richard Wibird, Collector, N.H.*, upon which he said he would sign no more passes *etc. Signed, Shad. Walton. Copy. 2 pp.*
455. x. Report of Boundary Commissioners, Oct. 6 (v. No. iii). Met the Commissioners of the Massachusetts Bay at Newbury, Sept. 30th, but to no purpose. For the instructions given those Commissioners by the General Assembly were much more against the interest of N. Hampshire than the act which that Government passed Feb. 10th 1730, which the General Assembly of this Province could by no means agree to, for said instructions would bring the line $11\frac{3}{4}$ miles n. of Merrimack instead of 3, *etc. Signed, Hen. Sherburne, R. Waldron, Benja. Gambling, Nathl. Weare, Theore. Atkinson. Copy. $1\frac{1}{2}$ pp. [C.O. 5, 898. Nos. 96. 96 i-x.]*

1731.
Oct. 29. **456.** Governor Belcher to Mr. Popple. *Abstract.* Did not answer letters of 10th June, received 10th ult., by the first ship because of his journey to N. Hampshire *etc.* Is preparing the accounts required therein *etc.* *Signed,* J. Belcher. *Endorsed,* Recd. 11th Dec., 1731, Read 3rd Oct. [? 1732]. 2 pp. [C.O. 5, 874. ff. 158, 158v., 165v.]
- Oct. 29. **457.** *Same* to the Council of Trade and Plantations. *Abstract.* Acknowledges letter of 6th July. In spite of all his endeavours to induce them to settle his salary, there is not the least expectation that the Assembly will ever do anything more (or otherwise). His returning to Whitehall could not have been of any service. The bill passed in Oct. last, though not a compliance with H.M. Instructions, was a step further than any Governor has been able to bring the Assembly to; and that passed in May last was going on in conformity to what they had done in Oct. The Assembly has given him £3,000 instead of £1,000 to Governor Shute, and one Address after another have promised to give a constant and ample support to the Governor, so that he believes that they will not recede from that quantum. But he will endeavour to make it more, for £3,500 of the present currency is but £1,000 sterl., and all the perquisites of the Province are not £100 sterl. The annual expence, with the best economy, is more than £3,000, so that it is impossible for a gentlemn. to lay up any fortune by this Government. Hopes by the next shipe to receive H.M. leave to accept what the Assembly last voted him *etc.* He observes what their Lordships say about the Address from the Representatives. "The method into which I wou'd have steer'd that matter was with an aim at the better support of the honour and prerogative of the Crown, but if your Lordships judge otherwise I am perfectly easy. I have wrote so often to the Secretary of State, and to your Lordships, how opposite this Assembly is to the King's Instruction respecting the supply of the Treasury that I depend your Lordships will transmit me the King's Orders thereon by the first ship, or this Government will fall into all confusion. For there is now near £20,000 due for the support of the King's garrisons and other services, and there has not been a shilling in the Treasury for many months. Nor will the Representatives grant any money unless they can have the supervising and passing every account, which I am fully of opinion is reserved in the Charter to H.M. Governor and the Council, and H.M. 30. Instruction I think exactly agreeable to the royal Charter. "The Assembly have been lately under adjournments waiting for H.M. pleasure on their petitions and addresses" *etc.* Has lately been to New Hampshire to hold the Assembly. Is sorry the affair of the boundary is not brought to any conclusion, in spite of his pains in both Provinces, and thinks it never will be by them. In justice to New Hampshire,

1731.

[457]

he must say they have been very willing to submit the decision of this affair in exact conformity to H.M. Instruction. But the Massachusetts have made too many obstacles, nor have they been so candid and fair as N. Hampshire. Has taken all care to keep things and persons from running to the extremity they did in Governor Burnett's time, but is in daily fears of difficulties among the Borderers. It is of absolute necessity for the peace and honour of H.M. Governments and for the welfare of the subjects that this long controversy should be adjusted. N. Hampshire seems resolved to pursue it by an immediate application to H.M. for appointing Commissioners *etc.* Believes that Assembly would willingly be at the whole charge to have the matter effected. Will order the bills of credit to be called in in accordance to the acts, and will send an account of the paper currency in N.H. *Refers to and repeats* his account of the Councillors 25th Jan. last. When last there he appointed Benjamin Gambling in the place of Mr. Frost, resigned owing to ill health *etc.* Is surprised to learn that a gentleman of the Board observed that they would be glad to hear from the new officer the King has appointed under him, before taking any resolution about Councillors. To gratify an inferior Officer by giving him liberty and privilege of nominating the Councillors and of denying it to the King's Governor would subvert all good order, and fill that Government with discord and confusion, "which would be very happy, and so shou'd I, if we might be quit of that uneasy Gentn. Collo. Dunbar, and as his being Lieut. Govr. is no sort of service to him, nor can I (with submission to your Lordships) believe it any to H.M., or that people, I wou'd still pray that Coll. Henry Sherburn might be Lieut. Govr. there" *etc.* All this part of the world are astonished at the false and malicious account which Col. Dunbar dressed up against him respecting Frederick's Fort. "All I did was conformable to good reason, and my duty to the King." Dunbar has continually behaved in an insolent, haughty manner to him. Their Lordships will in a little time be convinced that what he has been so long pothering about in the Eastern Country will never come to anything under his management—"threatening to tye people to trees and whip 'em, and burning the fruits of their honest labour are odd measures to pursue in an English Government, and under the most gracious Sovereign in the world" *etc.* *Set out*, Mass. Hist. Soc. Coll. 6th Ser. VI. 14. *Signed*, J. Belcher. *Endorsed*, Reed. 11th Dec., 1731, Read 3rd Oct., 1732. 8 pp. [*C.O.* 5, 874. *ff.* 159v.-164v. (*with abstract*).]

Oct. 29.
New York.

458. Rip Van Dam to Mr. Popple. Will communicate to the Judges *etc.* the opinion of the Attorney and Solicitor General on the Act concerning the levying of fines in England to cut off an entail in New York, enclosed in Mr. Popple's letter

1731. [458]

of Feb. 24th. He laid his enquiries of 10th June before the Council who were of opinion that he must singly make an answer thereto. *Continues*: "I do not know of any laws made here, or any manufactures set up that may affect the manufactures of Great Britain, and as to what relates the Trade and Navigation of this Province," *refers to* Representation of the General Assembly (v. 2nd Nov.), "whereby I hope their Lordships will be satisfied that our trade and navigation is not detrimentall but advantageous to our mother Kingdom." *Acknowledges* letter of 10th June with packetts for the Governors of Rhoad Island and Connecticut. *Continues*: I sent them as directed pr. the first post and finding no printed copies of their laws here I desired them respectively to send me them in order to be transmitted unto you offering to pay the charge thereof. But till this day I have had no answer" *etc.* *Printed*, N.Y. Col. Doc. V. 925. *Signed*, Rip Van Dam. *Endorsed*, Recd. 22nd Dec., 1731, Read 4th Jan., 173 $\frac{1}{2}$. *Addressed. Sealed.* 1 p. [C.O. 204, (205, abstract) 207v.]

Oct. 30.
Puding
Lane.

459. Mr. Partridge to Mr. Popple. Inclosed is a true copy of an address from sundry of ye inhabitants (I suppose the most principall) to the King from New Hampshire which please to communicate to the Lords Commissioners for Trade and Plantations, the original Govr. Belcher sent me. Thy Friend, *Signed*, Richd. Partridge. *Endorsed*, Recd. 1st, Read 3rd Nov., 1731. *Addressed.* $\frac{1}{2}$ p. *Enclosed*,

459. i. Address of the principal inhabitants, (Councillors, Judges, Justices, Sheriffs *etc.*) of New Hampshire to the King. Portsmouth in New Hampshire in New England in America. Aug. 31st, 1731. *Refer to* address of Council and Assembly thanking H.M. for appointing as Governor a person so well accomplished and so acceptable to the people. "Notwithstanding which some restless persons for about three weeks past have been endeavouring to disquiet the minds of the weaker sort amongst us, in order to memorial the Governour to the Right Honble. the Lords of Trade and Plantations as a person not a friend to the Province, and to pray that New Hampshire may be no longer under the Governour of the Massachuset Bay *etc.* In duty to our Sovereign, in honour to our Governour in faithfulness to the Province and in justice to ourselves we cannot be dumb on such an occasion but most humbly crave leave to beare testimony against an attempt (tho' never so unlikely to succeed) wch. tends to sap the very foundation of our happiness *etc.* Praise his "solicitous concern" and unwearied efforts to accomplish the settlement of the divisional line between the two Provinces *etc.*,

1731. [459. i]

wch. is what we earnestly supplicate, may have as speedy an issue as is consistent with your Majesty's royal pleasure, for the longer that difference lies open the greater are the mischiefs which attend it *etc.* *Praise the Governor* "whose administration is so wise so just so equall and to such universal acceptance" *etc.* *Continue*: This your Majesty's Province is so small the people so few, and in general so poor that it makes the settlement of the line still more necessary and is no bad argument to enforce our humble request for being continued under the Governour of the Massachusetts Bay, and especially him who at present is, and we hope will long continue, in that station; for we have done our utmost already even to our almost undoing in fixing so large a summ for the Governor's sallary, pursuant to your Majesty's Instruction, and if more should be required to support the dignity of a resident Governour we can foresee nothing but enevitable ruin, and beside if we should again be visited wth. a French or Indian warr, or both (as at this juncture we are threatned) then yet more deplorable would our condition be, for now we can ask succour (as occasion may require) from the common Father of both Provinces with hopes of success but how it may be upon a different footing God alone knows *etc.* *Pray for H.M. long and glorious reign etc.* 73 signatures. Copy. 3½ pp. [C.O. 5, 873. ff. 241-243v.]

Nov. 1.
Whitehall.

460. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, W. Sharpe. *Endorsed*, Recd. 30th Nov., 1731, Read 5th Jan., 1731½. 1¼ pp. *Enclosed*,

460. i. Petition of Rev. Timothy Cutler, Minister of the Church of England in Boston to the King. *Refers to* former petition (v. C.S.P. 14th July, 1727 and A.P.C. III. No. 119) against several acts of the Massachusetts Bay, obliging members of the Church of England to pay to the support of Presbyterian and Independent teachers. This petition was referred to the Lords Commissioners for Trade, but they have not made any report thereon, occasioned as petitioner (conceives "by the Assembly having so soon as they were informed of the said application passed an act *in addition to the severall acts for the settlement and support of Ministers* (1727) whereby, after imposing a generall tax on all the inhabitants of every town parish or precinct, it is provided that all members of the Church of England who reside within five miles of a Society

1731. [460. i]

of the Church of England where there is a person in orders according to the rules of the Church of England abiding among them and performing Divine service so that such members of the Church of England can conveniently and do usually attend the publick worship there, that in such case the taxes collected of such persons be paid unto such Minister of the Church of England. But in case of any deficiency happening by such payments to the Ministers of the Church of England in the salary covenanted to be paid to them by any town, parish or precinct to the Ministers of the Churches therein by law established, it is then and in such case enacted that such deficiency shall be made up within two months by such town, parish or precinct generally which will take in all the members of the Church of England. Petitioner humbly conceives it was apprehended this act would in a great measure free the members of the Church of England from the many oppressions brought upon 'em by the severall acts complained of *etc.*, but it is very common for the people in New England to go ten or fifteen miles to Church so that this last act by limiting the exemption to five miles is very far from removing the grievance complained of *etc.* James Ellis of the town of Cambridge, a member of the Church of England and who hath a pew in petitioner's church at Boston where he duly attends the Divine worship of God and who pays towards the support of the said Church hath been greatly distressed and is now actually confined and imprisoned in Cambridge gaol for not paying towards the support of the established Minister of that town by reason that his place of residence is upwards of five miles distance from petitioner's church *etc.* *Submits* whether the Governor and Council are warranted by their Charter to pass any law whereby to tax the members of the Church of England or any other perswasion to the support of the Ministers of what they have taken upon them to establish as the Provincial Church. *Prays* that the acts complained of may be repealed, as being not warranted by the Charter, and that the Governor be strictly enjoined not to pass any act whereby any tax shall be laid on the members of any one perswasion for the support of the ministers of any other *etc.* *Copy.* 6 pp. [C.O. 5, 874. ff. 3-6v., 8v.]

Nov. 1. **461.** Governor Belcher to the Duke of Newcastle. *Abstract.*
Acknowledges letter of 14th Aug. brought by Mr. Shirley, who

1731. [461]

is so strongly recommended by His Grace for a pleader to the several sets of Judges *etc.* *Continues* : As they are under my appointment, I hope *my* influence with them may be of service to *him etc.* He will, as desired, be watchful to suggest anything by which His Grace may further contribute to Mr. Shirley's encouragement. *Repeats report of* wreck of Spanish galleons, and that this was the richest Fleet that ever went from the Spanish West Indies. What turn this disaster may give to the affairs of Europe can't easily be seen. Will transmit affidavits *etc.* *Expresses* gratitude for the honour done by His Grace to his son Jonathan and for his favour to himself in the affairs of his government, and affirms his zeal and loyalty. *Continues* : My brother Mr. Partridge gives me a very particuar account of your Grace's favour and kindness to me in the matter of my support from this Government, and that you have been very ready in obtaining H.M. royal leave for my taking the money last granted me by this Assembly *etc.* *Returns* thanks and *requests* that when matters relating to him come before Ministers Mr. Partridge and his son Jonathan may be notified to appear as his agents. *Continues* : "My son after spending the last seven years at our little University in Cambridge chose to attempt the study of the law for his future business in life, to which end I have sent him to the Temple" *etc.* Asks for his patronage of him *etc.* *Signed*, J. Belcher. 3½ pp. [C.O. 5, 998. No. 97.]

Nov. 2.
Whitehall.

462. Council of Trade and Plantations to the King. There being six vaeancies in the Council of New Hampshire (*enumerated*) *recommmend*, to fill the room of the deccased and absent Councillors, Benning Wentworth, Riehd. Waldron, Anthony Reignolds, Benjamin Gamblin, Theodore Atkinson, and Joshua Peirce. *Conclude* :—And whereas some doubts have lately arisen whether yor. Majesty's Lt. Governor of New Hampshire for the time being is to be reputed a Member and sit in Council there, when yor. Maty's. Capt. General shall be resident in that Province, *propose* that Lt. Governor Dunbar, or the Lt. Governor of that Province for the time being, may be added to the list of the Council, and take place as the first Councillor there. [C.O. 5, 916. p. 434.]

Nov. 2.
New York.

463. President Rip Van Dam to the Duke of Newcastle. Duplicate of letter to Council of Trade and Plantations following, *mutatis mutandis.* *Signed*, Rip Van Dam. *Endorsed*, R. Jan. 15. 4½ pp. *Enclosed*,

463. i. Representation of the President, Council and Assembly of New York to the King. *Continues* :—With grief and concern we have heard of the monopoly aimed at by the Sugar Colonies, which, if obtained, will, we conceive, tend to the ruin of this Colony, and be

1731.

[463. i]

prejudicial to the trade and navigation of great Britain: For there's yearly imported into and consumed in this Colony, a very large quantity of the woollen manufacture of great Britain, for our cloathing and preservation, from the excessive cold of our winters, and so great is our consumption of those commodities, that we have reason to believe, the whole sugar Colonies (excepting Jamaica on account of the Spanish trade) do not consume the like quantity, and should we be disabled to pay for that manufacture, we must be reduced to nakedness, or to make our own cloathing. The product of this, and the neighbouring colonies of New Jersey and Pensilvania, is provisions, horses and lumber which are exported to the British and foreign sugar Colonies, and in exchange for them are had monys, rum, sugars, molasses, cocoa, indigo, cotton wool *etc.*, whereof the rum and molasses, are chiefly consumed in this Colony, and the monys and other merchandize, are mostly applied to make good the balance of our trade to great Britain, and so great a part of that ballance, is paid in mony, that, we have reason to believe, that all the British sugar Colonys together (excepting Jamaica) do not import so much silver and gold into Great Britian, as this single Colony. We are well assured that the British sugar Colonys cannot take off the one half of the provisions, which this and the other two bread Colonys do export, nor are they able to supply the Northern Colonys with the rum and molasses there consumed, without vastly diminishing the quantity of sugar which they now make; and tho' we be not by express words, in the monopoly aimed at, restrained from exporting our provisions to the foreign sugar colonys, yet the restraining us from taking any part of their product in exchange, will as effectually do it: Wherefore, we have reason to apprehend, that if the monopoly aimed at, be obtained, our product now exported to the foreign sugar Colonies, will be as lost to us; and that we shall have little more from the British Sugar colonys, for all our provisions that they can consume, than the rum, molasses and sugar, which we want to consume amongst ourselves, seeing the glut of our product with them must greatly lower the price thereof, and the great demand of rum and molasses, must vastly enhance the price of them; and disable us to pay for the British manufactures we have already had, and owe for, and to pay for any more; must diminish the consumption of the British woollen manufacture, and the navigation now employed in

1731. [463. i]

bringing it to us, and in carrying our product to the foreign sugar Colonys, and in carrying what's got in exchange for it to Britain, must diminish the quantities of sugars, made in the British sugar Colonys, and enhance the price thereof, so much, that Britain will probably be disabled to export any part of it. Gracious Sovereign, We implore your most sacred Majesty, the father of all your subjects, who has the care and prosperity of all of them equally at heart, and who will be far from countenancing any indeavours, to make one part of them the slaves and bondmen of another, with whatever specious pretences it may be aimed at ; to have pity and compassion upon us, your poor, but most loyal and dutifull subjects, of these bread Colonies ; upon the merchants of Great Britain, to whom we are greatly indebted ; upon them, and the many tradesmen and seamen of great Britain, who get their living by the British trade, with us : and to grant your most gracious protection against this attempt, which in its consequences, would tend, as we humbly conceive, to deprive them of their just debts, and future support ; and to cut us off, from being of any other use, to our Mother Country, than to be the bondsmen and slaves, of her sugar Colonies ; by confining us to them, for the vent of the produce of our industry, and in consequence, oblidging us, to take what price for it they please, and to give what price they think fit, for what we have in exchange from them *etc.* Signed, Rip Van Dam, President, 8 Councillors, and Ad. Philipse, Speaker and 25 Assemblymen. 1 large p.

463. ii. Nine Acts of New York, passed Sept. 1731. *Printed.* 25 pp.

463. iii. Journal of Assembly of New York, 25th Aug.—30th Sept., 1731. *Printed.* 22 pp.

463. iv. Naval Officer's list of ships cleared and their outward loadings, Port of New York, 26th March—30th Sept., 1731. Signed, John Lindesay, Nav. Off. 20 pp. [C.O. 5, 1093. ff. 174–176, 177v., 178, 179–191, 192–202v., 203v., 204v., 205v., 206v., 207v., 208v., 209v., 210v., 211v., 212v., 213, 214, 215, 216, 217, 218, 219, 220, 221, 222.]

Nov. 2.
New York.

464. Rip Van Dam to the Council of Trade and Plantations. *Abstract.* Refers to letter of 11th Sept. The Assembly ended their session on 30th Sept. *Encloses* Journal of Assembly, Minutes of Council and Acts passed vizt. (i) An act to support the troops at Oswego and to regulate the Indian furr trade. No answer having been received to the representation of the

1731. [464]

Assembly to H.M. relating to that affair, and as that house would have fallen to destruction if no provision were made for another year, *etc.*, a duty on the trade there was thought the most proper means to supply that place for another year in expectation of H.M. further directions concerning the same *etc.* Has since received letter of 28th Oct., after the Assembly was adjourned to second Tuesday in Dec., "which will not be a proper time for them to meet, because the rivers by which near a third part of the members must come to this place are then frozen up." (ii) An Act to *impower Samuel Baker and others to employ proper persons for the service of this Colony at the Court or Parliament of Great Britain.* His reasons for passing this act are fully expressed in the preamble and *preceding* Address (encl. i), "for it must be manifestly apparent to all unbyassed persons that if such an Act of Parliament as the Sugar Colonies solicited the last Sessions should pass, it would in a short time prove the ruin of all the inhabitants of this continent and entirely impoverish them, and thereby hurt the manufacture of Great Brittain and disenable the inhabitants of this Colony from sending yearly a considerable sum of cash for Great Brittain *etc.*, and in case of a war with the French this Colony would by reason of the poor condition it would be reduced to become wholly unable to defend itself and become a certain prey to the Ennemy, more especially since the French have already encroached and built a fort at a place called Crown Point from whence they may in three days march to Albany" *etc.* (iii) An Act *continuing an Act for regulating the Militia* *etc.* (iv) *for fortifying the city of Albany* *etc.* To secure the city and frontier till a fort can be built *etc.* (v) *to prevent damages by swine in the County of Orange* (vi) *to provide able pilots* *etc. between Sandy Hook and the Port of New York.* (vii) An Act to *explain part of an Act to repeal some parts of an Act and continue others and for granting duties to H.M. for supporting his government, 1728—1733.* A ship belonging to this colony with a considerable number of negroes on board her, in her voyage from Africa, touched at Antigua to purchase some provisions and refreshments but landed none of her slaves there, and then came to New Jersey, where there is no duty paid for any slaves imported, but the owner of the vessel being desirous to import the greatest part of them into this province, if he might be allowed to pay only the duty of five ounces of plate for every head, which seemed to be a doubt in the Act for the settling the Revenue abovementioned, being it was said the ship did not come directly from Africa altho' the intention of the Legislature in that former act was only to encourage the African trade and so laid a double duty on slaves imported here from the West Indies which are generally refuse and very badd and could hardly be applicable to such slaves coming from Africa and had been nowhere landed *etc.*, I therefore considered

1731. [464]

that if I did not pass that law none of the slaves would have been brought hither *etc.* (viii) An act *continuing an act to farm the excise of strong liquors etc.* (ix) to release Andrew jr. upon surrendering his estate *etc.* *Continues* : The French continually encroach on this Province and have lately settled a fort on the Crown Point from whence they may in three days march to Albany *etc.* The Assembly addressed me to lay this information before H.M. and the neighbouring Governments *etc.* It is my humble opinion that if no care be taken they will yet further encroach from time to time and in case of a warr might prove fatal and now in time of peace it is the only means they have to draw the Indians from us, ruine our trade and secure all to themselves and untill the limitts be settled between the two Crowns actions of this nature will happen every day and will always be to their advantage and our detriment, because they have a great number of people that runn amongst the Indians and are much like them and so agree better with the Indians than our more civilised inhabitants can do besides the continuall infatuation of their priests amongst Indians who are taken with the outward pomp of religion makes a greater number of proselytes than it is possible for us to do, and therefore I most humbly begg your Lordships to lay this before H.M. that the limitts between the two Nations may be settled and a freedom of trade with the Indians be reserved to H.M. subjects and that such late encroachments be removed" *etc.* *Refers to enclosures.* Since taking the enclosed list of inhabitants "neer 800 are lost by the small pox and daily more dying." The stores in H.M. Fort George are in a very miserable condition, the powder all damnified. Prays that a supply of stores of war may be sent *etc.* *Set out, N.Y. Col. Doc. V., pp. 925—929. Endorsed, Reed. 22nd Dec., 1731. No signature. Read 4th Jan., 1731½. 5 pp.*

464. i. List of stores of war in Fort George, July 12, 1731. *Signed, Phillip Cortlant, James Lancey. Same endorsement. 1½ pp.*

464. ii. Census of the inhabitants of the Province of New York. *Totals* : Whites, 50,242 ; Blacks, 7,202. *Set out, N.Y. Col. Doc. V., p. 929. Same endorsement. 11 pp. [C.O. 5, 1055. ff. (abstract, 208), 210—212, 213v.—215, 216, 217, 219, 220. 221, 222, 223, 224, 225—226v.]*

Nov. 2.
Phila-
delphia.

465. Mr. Browne to Mr. Popple. Encloses remarks *etc.* (*cf.* Aug. 12, Oct. 1st). *Concludes* : Their Lordships cannot have a stronger proof of my innocence, than the inability of a Govr., with a whole Magistracy entirely, and the ministeriall officers of the Government partly dependant on him, to convict me of the least crime judicially" *etc.* P.S. The Register, who is a creature of the Govr's., denys me a copy of the fees of the

1731. [465]

office; I have sent to N. York, but none being in print, as I am at this distance, it is difficult to procure a written one, but I shall by some means soon procure and transmit one to you, Sir, *etc.* *Signed*, J. Browne. *Endorsed*, Recd. 10th Jan., Read 5th May, 1732. *Mem.* Mr. Browne's remarks *etc.* were sent with the Board's report of 5th May to the Lords of the Committee. *Holograph. Addressed.* 1 $\frac{2}{3}$ pp. [C.O. 5, 1268. ff. 83, 83v., 84v.]

Nov. 3.
Bedford
Row.

466. Mr. Wilks to [? *Mr. Popple*]. Encloses following in behalf of the Council and Assembly of the Massachusetts to be laid before the Board. Proposes to attend the Board upon this matter and that of the lands between Kennebec and St. Croix *etc.* *Signed*, Fra. Wilks. *Endorsed*, Recd., Read 4th Nov., 1731. 1 p. *Enclosed*,

466. i. Some reasons in support of the Address of the Council and House of Representatives of the Massachusetts Bay, humbly praying H.M. to withdraw such part of his thirtyeth Instruction to his Governor as excludes the House of Representatives from passing accounts for payment. (1) The House of Representatives have allways readily come into the imposing and levying proportions and reasonable rates and taxes and from time to time have chearfully supported the publick Treasury with such sums of money as were sufficient for the necessary defence and support of the Government and preservation of the inhabitants and they humbly conceive no part of the publick money so raised by them ought to be issued but for such accounts as are establish'd by law, or such as have been pass'd on by the whole Court, except for expresses dispatch'd for the service of the Govr. in recess of the Court, or such other necessary and unforeseen charges as demand prompt payment in which case the severall draughts on the Treasurer ought to express out of what fund and for what service the same is issued, for shou'd the Govr. with the advice of the Councell only have power ad libitum to dispose of the people's money without having the service or accompts for which the money is to be issued examined and pass'd on by the House, it might prove of very fatall consequence to H.M. good subjects of the Province. And as it is more peculiarly the province of the House to lay taxes on the people, so they humbly conceive it is incumbent on them to take care that there be no misapplication thereof, which they have no effectual way of doing, but by being made acquainted with what accounts and demands are made on the Province, and passing thereon before payment be made *etc.*

1731. [466. i]

Argues that this is in accordance with the Charter, and that "it hath been the constant usage for the Assembly to determine on the said accounts and demands, whether they shou'd or shou'd not be paid before the money hath been issued, and to prepare the same for presentation to the Govr. in Council for his warrant on the Treasurer *etc.* No manner of inconveniency hath ever attended the exercise of this power *etc.* Without it, a door might be opened for the misapplication of public money, which the Assembly could no ways remedy *etc.*, but which might disable the Province from providing for its defence, *etc.* 3 $\frac{1}{4}$ pp. [C.O. 5, 873. ff. 244-246v., 247v.]

Nov. 4.
Whitehall.

467. Council of Trade and Plantations to the King. *State dispute* between Governor Belcher and Lt. Govr. Dunbar, concerning Col. Walton *etc.* *Continue:* Mr. Belcher endeavours to justify the orders given by him to Col. Walton [*not to suffer Col. Dunbar to enter Fort William and Mary in quality of Lt. Governor of N. Hampshire*], from the 36th article of your Majesty's Instructions to him, wherein it is provided that he shall receive his whole salary, as Governor of ye Massachusetts Bay and New Hampshire, altho' he shou'd go upon your Majesty's service into ye Colony of Rhode Island, to view and regulate ye militia there, or whenever by your Majesty's special order he should be commanded to repair into any other of your Majesty's Provinces in America, and from thence inferrs that the powers of Government likewise remain intire in him, notwithstanding ye lie absence; But this indulgence is meerly an exception to ye general provision of ye said Instruction, whereby your Majesty is pleased to direct that in case of ye sd. Governor's absence from his Government, one full moiety of his salary, and of all perquisites and emoluments whatsoever, which would otherwise become due unto him, shall during the time of his absence from your Majesty's said Provinces, be paid and satisfied unto such Governor, Lt. Governor, Commander in Chief, or President of your Majesty's Council, who shall be resident upon the place for the time being, which your Majesty is pleased to allot to them for their maintainance, and for ye better support of ye dignity of your Majesty's Government in ye said Provinces respectively, and ye said provision would certainly have belonged to them in ye Gover.'s absence from either of ye sd. Provinces, but for this exception, wch. refers only to salarys and perquisites, and has no relation to matters of Government, wch. would otherwise have been mentioned in it, as well as the salary. But Mr. Belcher endeavours further to justify his conduct from ye last clause of your Majesty's Commission to Colo. Dunbar, whereby he is directed as your Majesty's Lieut. Govenr. to obey such

1731.

[467]

Instructions as he shall from time to time receive from your Majesty, or from your Majesty's Capt. General of New Hampshire, now and for the time being. On the other hand, Colo. Dunbar insists, that by one of the clauses in your Majesty's Commission to him, he is directed, in case of the death or absence of your Majesty's Captain General and Governor in Chief of New Hampshire, to take upon him the exercise and performance of all and singular ye powers and directions, contained in your Majesty's Commission to ye sd. Capt. General; and that also by ye last clause in your Majesty's Commission, to Mr. Belcher, all officers and ministers civil and military together with all your Majesty's subjects in ye Province of New Hampshire are required and commanded in case of the death of your Majesty's Capt. General or in his absence out of ye Province, to give obedience to ye Lieut. Governor or the Commander in Chief of ye said Province. Wherefore Colo. Dunbar conceives that it is his duty whenever Mr. Belcher shall goe out of New Hampshire to take upon him and execute all the powers and authorities contained in your Majesty's Commission to your Capt. General of ye province of New Hampshire, with weh. your Majesty hath been pleased to invest ye Lieut. Govr. for ye time being provisionally, during your Majesty's royal pleasure, or untill ye return of the Capt. General, into your Majesty's sd. Province. And further, Collo. Dunbar insists, that altho' he is obliged by your Majesty's Commission, to obey such orders, as he shall from time to time receive from your Majesty, or from ye Capt. General for ye time being, yet that ye sd. clause can only be understood to have reference to extraordinary occasions, and not to ye ordinary course and administration of Government; and that even extending the said clause further than the natural sense of it imply's, yet that all orders weh. Mr. Belcher may send into New Hampshire, when he himself shall be out of that Province ought always to be directed to your Majesty's Lieut. Governor for ye time being, and no person in that Colony, much less any military officer, should be exempted from obeying such orders, as ye said Lieut. Governor shall give them, for your Majties. service; or that the forts and places of strength, should be taken from under his command. This dispute being a matter of very great consequence to your Majesty's service, and to ye peace and good government of the Colony of New Hampshire, we would not take upon us to decide between Mr. Belcher and Collo. Dunbar without receiving your Majesty's pleasure thereupon. But we would humbly propose that your Majesty should be pleased to declare it to be your royal intention, that al ye usual and ordinary powers of Government, in New Hampshire shall be exercised there, by your Majesty's Lieut.-Governor, and Commander in Chief of that Province for the time being, whenever your Majesty's Capt. General shall be or reside in the Province of ye Massachusetts Bay, or in any

1731. [467]

other place but ye said Province of New Hampshire. That such extraordinary orders, as your Majesty's Capt. General shall think fit to send for your Royal service to New Hampshire from the Massachusetts Bay or elsewhere, shall be directed to your Majesty's Lt. Govr. or Commander in Chief of New Hampshire for ye time being only. That ye said Capt. General during such his absence from New Hampshire, shall not take upon him, to exempt any officer, civil, or military, from paying obedience to the orders of your Majesty's Lieut. Governor, or of ye Commander in Chief of that Province for ye time being. *Annexed,*

467. i. List of papers enclosed with above representation. [C.O. 5, 917. pp. 1-8.]

Nov. 4.
Whitehall.

468. Council of Trade and Plantations to the Committee of the Privy Council. *Reply to* reference of 7th July of Address from the Massachusetts Bay *etc.* *Represent that,* the practice of striking and issuing bills of credit in lieu of mony, hath been attended with very bad consequences, in several of H.M. Colony's of America, and we conceive, ye ill effects of it are visible in the province of ye Massachusetts Bay, since notwithstanding the flourishing state of New England, and ye considerable figure she hath made for many years past in Trade and Navigation yet the current mony of that Colony is at present at so great a discount that £340 of their mony is only equal to £100 sterling whereby the British merchants trading to that country have heretofore been considerable losers. These were the reasons, which occasioned ye Instruction first complained of in ye Address; Yet H.M. was graciously pleased to allow a paper currency in this Province, provided ye same should not at any time exceed ye sum of £30,000, to be issued in bills of credit for ye support and current service of ye government of ye Massachusetts Bay, and this condescension on ye part of ye Crown ought we think to have sati[s]fied their Assembly especially as they have not inform'd H.M.: and we are yet ignorant of what funds they have, or might propose to establish, for the discharge of such new bills, as they desire to add to their present paper currency, and in what proportion and by what methods the same shall be cancelled. The detail of these particulars would be very necessary for our information, and according to ye present sence we have of this matter, we can by no means be of opinion that H.M. 16th Instruction to His Governor of New England ought to receive any alteration. As to ye complaint that is made in ye Address concerning the 30th Article of ye Govr's. Instructions, we take leave to acquaint your Lordships that ye pretention of ye House of Representatives to a right of raising mony for ye supply of the Treasury, by a vote, or resolves, instead of an act of Assembly, with ye power of determining what accompts shall, or shall not be paid,

1731.

[468]

even after the services are perform'd, is a point, which hath already been very solemnly debated before H.M. most honble. Privy Council, and was given up, even by the Agents of New England, as a pretension yt. could not be maintain'd. Whereupon the said Instruction was issued, and first bore date so lately as ye 8th day of May 1730. We would further observe to your Lordships that should H.M. withdraw his Instruction on this head, the Assembly of New England, wou'd be left in possession of a power superior to any which ye British House of Commons lays claim to, in cases of ye same nature, and wch. ye Assembly hath fallen into ye practice of, in direct contradiction to ye tenour of their charter, whereby they are empowered to raise mony for ye support and defence of the Province by acts of Assembly only, the distribution of which mony is expressly reserved to the Governor for ye time being, wth. the advice and consent of the Council. We cannot be of opinion therefore that this article of the Governor's Instructions ought to receive any alteration, and if the Assembly of New England, when they come to be acquainted with H.M. measure [*? pleasure*] upon this subject, should either refuse, or neglect to supply ye Treasury of that province in a legal manner, so that neither the fortifications can be kept up, nor ye dignity of H.M. Government supported; it is not the King, but the Assembly who will remain answerable for ye ill consequences of their own conduct. [*C.O. 5, 917. pp. 9-12*].

Nov. 4.
Whitehall.

469. Council of Trade and Plantations to the King. *Describes* Lt. Governor Dunbar's complaint against Gov. Belcher for constituting Col. Walton Commander of Fort William and Mary in N.H., and forbidding him to take orders from Col. Dunbar *etc.* Mr. Belcher endeavours to justify his orders by his 36th Instruction, but this is merely an indulgence and exception to a general rule relating to the Governor's salary, and has no relation to matters of Government, which would otherwise have been mentioned in it as well as the salary. *Continue:* But Mr. Belcher endeavours further to justify his conduct from the last clause of your Majesty's Commission to Col. Dunbar, whereby he is directed to obey such Instructions as he shall from time to time receive from your Majesty's Capt. General of N. Hampshire. On the other hand Col. Dunbar insists that by one of the clauses in your Majesty's Commission to him, he is directed in case of the death or absence of the Governor *etc.*, to take upon him all the powers of the said Governor, and that by the last clause of Mr. Belcher's Commission all H.M. officers and subjects are required in that case to give obedience *etc.* Wherefore Col. Dunbar conceives that it is his duty whenever Mr. Belcher shall go out of New Hampshire to take upon him and execute all the powers and authorities contained in your Majesty's Commission to

1731.

[469]

your Captain General of the Province of New Hampshire *etc.* ; and further insists, that altho' he is obliged by your Majesty's Commission to obey such orders, as he shall from time to time receive from your Majesty or from the Captain General for the time being ; yet that the said clause can only be understood to have reference to extraordinary occasions, and not to the ordinary course and administration of Government, and that even extending the said clause further than the natural sense of it implies, yet shall all orders which Mr. Belcher may send into New Hampshire, when he himself shall be out of that Province, ought always to be directed to your Majesty's Lt. Governor, and that no person in that Colony much less a military officer should be exempted from obeying such orders as the Lt. Governor shall give them, for your Majesty's service, or that the forts and places of strength should be taken from under his command. This dispute being a matter of very great consequence to your Majesty's service, and to the peace and good government of the Colony of New Hampshire, we would not take upon us to decide between Mr. Belcher and Col. Dunbar, without receiving your Majesty's royal pleasure thereupon. But we would humbly propose that your Majesty should be pleased to declare it to be your royal intention, that all the usual and ordinary powers of government in N. Hampshire shall be exercised there, by your Majesty's Lt. Governor and Commander in Chief of that Province for the time being, whenever your Majesty's Capt. General shall be or reside in the province of the Massachusetts Bay, or in any other place, but ye said province of N. Hampshire. That such extraordinary orders as your Majesty's Captain-General shall think fit to send for your royal service to New Hampshire from the Massachusetts Bay or elsewhere, shall be directed to your Majesty's Lt. Governor or Commander in Chief of N. Hampshire for the time being only. That the said Captain General during such his absence from N. Hampshire, shall not take upon him to exempt any officer, civil or military, from paying obedience to the order of your Majesty's Lt. Governor, or of the Commander in Chief of that province for the time being. [C.O. 5, 752. Nos. 52, 52 i.].

Nov. 4.
Hartfd.

470. Governor Talcot to the Council of Trade and Plantations. By your favour I received the opinion of H.M. Attorney and Solissitter General ; upon a Querie ; whether fines and recoverys pass in England of the intailes lying in the Plantations ; for which favour I desire humbly to acknowledge your Lordships beneficence. 'Tis a pleasure to me to be informed by Mr. Popple's letter of May 31st past that your Lordships have received my answers to your Queries *etc.* ; and I am concern'd that the Book of our Laws from Govr. Saltonstall came not safe to your hands ; I remember I heard

1731. [470]

his Honour say he was about sending over a sett of our laws but whether he sent them or whether they miscarried I can't tell *etc.* To make good and to answer Mr. Popple's letter of 10th June, *sends the* whole set of laws, "by which your Lordships will see that our laws do not incumber the commerce, navigation or trade of Great Britain altho' by reason of our poverty and want of a staple commodity wherein to make our returns we are not able to manage any great trade directly to Britain which if it were otherwise with us we should rejoyce to do. Your Lordships will be best inform'd of the reason, necessity and usefullness of our laws by considering the state and circumstances of our country so very many ways differing from that of England. The book of laws I send you have been some time out of the press since which some laws have been altered and some repeal'd which notwithstanding I am forc't to send with the rest unless I should print the book anew for this purpose which I fear would delay the time beyond your Lordship's expectation. With respect to our manufactures and publick transactions I know not what I can add to that of my answer to your Queries; those things being now as they were when those answers were made. But if anything further shall occur worthy your Lordships' notice you shall not want the intelligence of it. *Signed, J. Talcott. Endorsed, Reed. 18th Feb., Read 4th Oct. 1732. 3 pp. [C.O. 5, 1268. ff. 114-115v., 117, 117v. (with abstract).]*

Nov. 4.
Whitehall.

471. Mr. Popple to John Sharpe. *Encloses* two copies of Mr. Ocks' petition "for a grant of some lands to the westward of the great ridge of mountains in Virginia, to be communicated to my Lord Baltimore and my Lord Fairfax." If their Lordships have any objections, desires the same in writing as soon as conveniently may be. [*C.O. 5, 1366. p. 80.*]

Nov. 4.
Bermuda.

472. Lt. Governor Pitt to the Council of Trade and Plantations. *Refers to* letter *etc.* of July. *Continues:* I now humbly beg the favour of your Lordships to interceed with H.M. that the independent company of whom I am Capt. may returne from Providence, assuring your Lordships they are intirely necessary here, the inhabitants are not able to supply the forts with sufficient guards, and as the pirates are very numerous, and often come into the latitude, the Councill and assembly who some time since represented their losses they had sustained by the pirates, and there are now several negroes borne in these islands aboard their ships who are excellent pilotts and know every creek and bay belonging to it, they humbly request your Lordships to interceed with H.M. that a small man of warr may be stationed here. I need not informe your Lordships of the consequences of these islands to the English trade in America and how essential both the Company

1731. [472]

and a small ship would be, but do myself the honour of referring your Lordships to the Honble. Capt. Forrester of H.M.S. the *Dursley* who hapily for them came in here in a most distress'd condition. I gave them all the assistance lay in my power while they were refitting *etc.* *Requests their* support for his application for salary in lieu of licence for whale-fishery *etc.* *Signed*, John Pitt. *Endorsed*, Recd. 8th Dec., 1731, Read 12th Sept., 1732. 1 p. [C.O. 37, 12. ff. 102, 103v.]; and (abstract) 37, 24. pp. 34, 35.]

[? Nov. 5.]

473. Representation of Council of Virginia to the Council of Trade and Plantations. Whereas we have received advice by a letter from the Agent of this Colony to H.M. Lt. Governour that a petition is prepared and designed to be presented by sundry British merchants to the next session of Parliament, praying that an act may pass to hinder any law from being made in the Plantations that may affect the Trade or Navigation of Great Britain: that the lands here may be made liable to the satisfying all kinds of debts: and that appeals which are now limited to £300 may be allowed for any sum not under £100; and having seen the extracts of a late letter from H.M. Lt. Governour to your Lordships (v. 8th Sept.) containing many just exceptions against the passing any such act, we beg leave to lay before your Lordships our reasons against every part of that petition. (i) An Act of Parliament in such indefinite terms forbidding the Plantations to pass any law that may affect the Trade or Navigation of Great Britain, will in effect deprive them of the most valuable privilege granted them by the Crown as an encouragement to their first settlement; because our whole employment as well as interest bears so near relation to our Mother-country, that it will be almost impossible to frame any law that may not be construed some way or other to affect the Trade or Navigation of Great Britain. We can't, for example, lay any tax for the support of H.M. Government: we can't confine our coopers to a reasonable guage in the setting of tobacco hogsheads: nor can we make any provision for the improvement of our staple commodities; for preventing the making or false packing of unsound and unmerchantable tobacco, pitch and tar; or for the just payment of debts in good and valuable commodities (in all which the interest of the British merchants is equally concern'd with our own) without violating so general an Act of Parliament. There is already a very positive and full Instruction from the King to all Governours, to suffer no such law to take effect till it shall be assented to by H.M. 'Tis therefore very strange, that the merchants who have thus the happiness to be much nearer the throne than the planters are, and are commonly sent for when any such law appears, should so far distrust H.M. paternal care in this particular as to petition for an act of

1731.

[473]

Parliament to relieve them. Besides, it seems to be more for H.M. service, and for the interest of Great Britain, to prohibit the passing all such laws by a roial Instruction, than by an act of Parliament: because the King by the advice of his Council, will from time to time be perfectly able to judge of the expediency of any such particular law; while it will be hardly possible to form an act of Parliament that will distinguish every case, and provide against every inconvenience relating to this matter. It is certain that in the construction of laws, that are framed with the greatest exactness, men's judgments often vary: It is therefore possible that a law may pass in the Plantations, equally beneficial to the British and Plantation Trade and Navigation in general, which yet may thwart the private interest and conveniency of particular persons; and yet it would be injurious, even to the petitioners themselves, to prevent the passing such a wholsom law, by an act of Parliament, or condemn it when made, only because it concerns the Trade and Navigation of Great Britain, with which, it seems, the petitioners do not intend the Plantation Assemblies shall in any case intermeddle. But, to shew the further unreasonableness of this petition, we humbly presume the petitioners don't intend to exclude the King from judging how far the laws made in the Plantations shall be conformable to such an act of Parliament (for 'tis certain there must be some judicature to determine the controversy), and if so, what greater effect could such an act of Parliament have, than H.M. instruction hath already. And herein we beg leave to represent to your Lordships that as the laws heretofore made in this Colony, which in any degree affect the Trade and Navigation of Great Britain, have always allowed a reasonable time before their commencement, for the merchants to make their objections, and for H.M. consideration of the justness and usefulness of them, we hope the interest of our Mother-Country is so fully secured thereby, that there is no need of such an act of Parliament, but that we shall still be indulged the same privilege in the making laws for ourselves, as this Colony hath enjoyed from its first establishment; and that such laws shall be allowed to continue in force until H.M. shall see fit to signify his disapprobation thereof. (ii) As to lands in the Plantations being made subject to the payment of debts *etc.*, it would make too severe a distinction between H.M. roial subjects here, and those in Great Britain, by subjecting the lands of the planter to the demands of the British merchant, at the same time that the merchant's lands will not be liable to the demands of the planter. Our lands here are held by the same tenure, and are under the protection of the same laws, as the lands in England are: and seeing, in the course of the Plantation business, the factors are as often in the planter's debt, as the planter is in theirs; for this reason, if he hath not an equal remedy against

1731. [473]

then, it would be against Justice, which always holds the scales even. And therefore the consequence of so partial a distinction must necessarily tend to create uneasiness in the minds of a loial people, when they find they have not equal justice with the rest of their fellow subjects; especially since it can't be denied even by the petitioners' themselves, but they are as dutiful to H.M. and as useful to their Mother Country. (iii) As to appeals *etc.*, the expence a planter must of necessity be at, in going to England to support the judgment he has obtained here, and the damage he must sustain by being absent from his business and family, can never be valued at less than £100 : It should therefore seem a little absurd to desire that appeals may ly for so small a sum as can hardly be supposed equal to the charge of recovering or defending it. Besides, the reducing of appeals from £300 to £100, will open a door to very great injustice and oppression by sacrificing the poor to the rich. A man in low circumstances must in such cases submit to give up his right to a more powerful adversary, rather than be dragg'd to England for so small a value, where he must spend more in pursuing his claim than it can be worth. And lastly, in appeals between the planter and the British merchant, the latter will always have the advantage of living upon the spot, and consequently of prosecuting his claim at a much smaller expence. He may therefore afford to appeal for so inconsiderable a sum as £100, at the same time that the planter who has the misfortune of living as a great distance from the fountain of Justice, must be a great sufferer by it. This makes the planter's case very compassionate, and lays him under a manifest disadvantage with respect to all appeals between him and the merchants at home; and more particularly where the sum appealed for is so small as an £100. For all which reasons, we humbly hope that no such law will pass *etc.*

Though we have to our great satisfaction seen by the printed votes, that the bill which was prepared last session of Parliament on the sollicitation of the gentlemen of Barbadoes and the other Sugar Islands, came to be rejected in the House of Peers, yet we are still apprehensive new endeavours will be used to obtain a law which gives the Sugar Colonies so great an advantage over all H.M. Plantations on the Continent. We entreat your Lordships to permit us to add our reasons to the many judicious remarks *etc.* in the Lt. Governor's late letter *etc.*, which he has been pleased to communicate to us. Such a bill as is proposed, must in a great measure discourage all the Trade and Navigation of all H.M. subjects on the Continent, and prove the ruin of many families, who now subsist comfortably by the sale of their provisions to the merchts. trading to the West Indies. For (i), tho' the bill as it was last prepared lays no restraint on the carrying provisions to the foreign Plantations, yet the prohibiting the importation of rum, sugar or molasses

1731. [473]

from thence, doth as effectually restrain that trade, as if provisions had been particularly mentioned ; since those forreign Plantations afford no other returns than such as by this bill are entirely forbid to be brought thither. (ii) Much of the land now possess'd on the Continent, is unfit for the production of any commodities that are suitable for the British market, and yet are very proper for pasturage and Indian corn : it seems therefore extremely hard to take from the possessors of such lands the means of their subsistence, by restraining the export of their commodities only to H.M. Sugar Colonies, which cannot consume one half of the provisions which the people on the Continent can well spare. (iii) As the Sugar Colonies have been constantly supplied with provisions, lumber and horses, and may be so still at a reasonable price, and very often for less than those commodities cost at the place of their first purchase, can it be reasonable to hinder the British subjects on the Continent from disposing of their commodities elsewhere, when the Sugar Colonies are overstock'd and have no need of them ? (iv) If by the bill proposed, the British Sugar Islands are to have a monopoly of all the lumber and provisions exported from the Continent, and people there only to be supplied with rum, sugar, and molasses from the said British Islands, the consequence is very apparent ; they will have it in their power to exact what prices they please for their own commodities, and to depretiate those on the Continent ; besides enhancing the price of sugars sold to the British merchants trading to those Sugar Islands. For since at this time, sugar and rum are at a very extravagant rate in all the British Sugar Islands, it is easy to conceive that the prices must be considerably encreased, when all supplies from the forreign Plantations shall be prohibited. Lastly, we are humbly of opinion that if the proposed bill should pass as it was prepared last session of Parliament, it would no wise distress the French or Dutch Settlements ; because those forreign Colonies would still be supplied with lumber, horses and provisions from H.M. Sugar Plantations : and there seems to be a door left open for such kind of commerce as that bill was then framed. For the penalties are only on the British and Plantation vessels, and masters carrying horses or lumber to the foreign Colonies, but no provision made for the punishment of such as shall furnish those prohibited commodities to forreign vessels hovering upon the coasts of the British Sugar Islands. And since it is well known that the Island of Barbadoes lyes so near to Martinico and St. Lucia and the Leeward Islands contiguous to Guardaloupe and other French settlements and to the Dutch islands of Saba and Eustatia, sloops or other vessels from either of those forreign islands may in one night's time take in and safely land in their own ports, both horses and lumber without the danger of a seizure by any of the officers of H.M. Customs : and in the same manner may the sugar and

1731. [473]

molasses of forreign islands be clandestinely run into H.M. Sugar Colonies ; and when mix'd with their own native product can scarce be distinguished the one from the other, nor liable to condemnation, where no evidences are to be found but negroes : so that the people of the Continent will still be furnished with forreign sugars and molasses, but at double the price they now have it. Upon the whole, we humbly submit to your Lordships whether it is fit altogether to prohibit a trade which encourages the seating of lands that without it would remain as a desert, which employs so many of the British subjects in the Northern Colonies and the Island of Bermuda, in transporting the produce of the labour of many of our inhabitants, and often affords such returns as enables them to purchase negroes for enlarging our tobacco manufacture : which furnishes our neighbours who have few native commodities of their own, with beneficial remittances to Great Britain ; and withall encreases the export of the British Sugar Colonies to their Mother Country for the supply of the European markets at the same time that it lessens that of the forreign Sugar Islands. We are far from desiring a licence to transport to the forreign Plantations any of the commodities already prohibited by the Acts of Trade, nor any other whatsoever prejudicial to the trade or manufacture of our Mother Country. But as for all other product[s] of our labour which no way interfere with the British trade, and which neither the people of the Continent have occasion for, nor the British Sugar Colonies can possibly use, such as, all kinds of provisions and lumber, and even horses too (when neither the one can employ nor the other desire to purchase them) it is humbly hoped H.M. subjects on the Continent shall still be allowed the liberty of sending them to such markets where they are most vendible ; especially when it is considered that whatever is gained by this commerce must at last centre in Great Britain, or be laid out in the purchase of British commodities.

It remains that we humbly offer to your Lordships some few considerations in relation to the vote of the Honble. House of Commons of the 5th of May last, for laying before that House a state of H.M. Colonies in America, with respect to their laws, manufactures and trade, which may affect the Trade, Navigation and Manufactures of Great Britain. And herein permit us to inform your Lordships, that nothing but inevitable necessity will ever induce the people of this Colony to go upon any kind of manufactures interfering with those of their Mother Country. When tobacco bears but a moderate price, every planter can be supplied with all the necessities he wants, out of the produce of his crops, at much easier rates than he can furnish himself by any home manufacture : But the price of tobacco having been continually declining for divers years past, it is not to be admired, if many poor people no longer able to gain cloathing for their families, by their crops, have tried to raise cotton and

1731. [473]

flax, and to make a kind of coarse cloth and linnen wherewith to supply the wants of their indigent familys. This is a shift they have often been put to upon the like occasion, and will no doubt, have the same duration as it had then : for no sooner did tobacco begin to rise in value, than all these newfangled manufactures vanished ; and the land which before had been used for cotton and flax, immediatly converted into tobacco ground ; and so it will again, whenever we shall be so happy as to see our staple commodity rise to its former value. This is the only kind of manufacture at present in this Colony ; and the principal means to divert the people from it, is as has been said before, to advance the credit and value of our staple ; towards which a very good law pass'd last session of Assembly, and is now ready to be put in execution : and if that has not the effect which is hoped for, we know no other way of enabling the people to subsist, than by some abatement of the high duties on tobacco, which are at present very burthensome both to the merchant and planter. In the mean time it is impossible to propose any means to prevent people's endeavouring to cloath themselves, when they have nothing to purchase the same ; and no choice, but to make it themselves, or go naked, a condition which we are persuaded H.M. would not wish the worst of H.M. subjects to be reduced to. As to new trades set up here, we know of none, except four iron works now employed in the running of pig iron, which is all exported to England, there being no attempts hitherto made towards setting up forges for making it into barrs ; nor if it were, is there any probability of it's being manufactured into any utensils, which cannot be had at a much cheaper rate from Great Britain. Besides these, there are now some copper mines lately discovered, not without a probability of success : but these are of so late a date, that besides some parcels of ore sent home to England for experiments, little else has hitherto been made of them. These are all the manufactures or trades set up or discovered in this country ; and as we hope the one will administer no occasion of jealousy to our Mother Country ; so there is no doubt the other may with due encouragement add considerably to its wealth and conveniency. We should not have troubled your Lordships. with so long a representation, had it not been to obviate the misinformations of those who endeavour to acquire advantages to themselves, at the expence of their fellow subjects ; and to give your Lordships. the best lights we could, in relation to those enquiries, which seem to be intended in the next Session of Parliament. For the rest, we beg leave to referr your Lordships. to what Capt. Isham Randolph shall have the honour to lay before you, in relation to the several matters herein mentioned, who having gone from hence to London, fully instructed as to what relates to this Colony, with the trade and circumstances whereof he is perfectly well acquainted ; and withall a gentleman of great probity ; we entreat your Lordships. will be pleased to give him

1731. [473]

a favourable hearing in all such matters wherein he shall have occasion to apply to your Board. And as it is our unhappiness to have no representative, in the British Parliament, we beseech your Lordships to take us under your protection; and to lay our case in so favourable a manner before H.M., that the loial inhabitants of this British Colony may still continue to enjoy those privileges which have been granted them by the Crown from the time of their first settlement; and may be protected in their estates equally with the rest of H.M. subjects. *Signed*, Robert Carter, James Blair, W. Byrd, Cole Digges, Joh. Robinson, John Carter, John Grymes, W. Dandridge, Jno. Curtis, William Randolph, Hen. Harrison. *Endorsed*, Recd. 17th, Read 18th Jan., 173½. 9 large pp. *For date assigned, see* Lt. Gov. Gooch's letter, Dec. 22 *infra*. [C.O. 5, 1322. ff. 194-198, 199v.]

Nov. 9. **474.** Governor and General Assembly of Rhode Island to the Council of Trade and Plantations. *Answers to Queries.* The Colony lies in the Southern part of N.E. and is mostly rough and uncultivated but improving. The soil is in most places tolerable good and with labour will produce all sorts of European grain, the climate is mild and temperate both in winter and summer, the only considerable place in it is Newport a town of about 400 houses. *Situation and boundaries described, and the part disputed by the Massachusetts Bay.* *Continue:* Agreeable to our Charter on the first Wednesday of May annually we elect a Governor, a Deputy Governour and ten Assistants, as also a Secretary, Attorney Genll. and Genll. Treasurer, by the voices of the free inhabitants; all other officers, saving town-officers, are appointed by the Genll. Assembly. The trade of the Colony consists almost altogether in sloops, some few brigantines and two small ships, and made 4,980 tons or thereabouts, and are navigated with 400 men. Ten years past the trade was in 60 vessells and make 3,500 tons *etc.* Directly from Great Britain we have but a small quantity of goods, having but two vessells in a year trading thither; but by the way of Boston we receive almost all we use, which consists in duck, cordage, broad cloths, drugget stuffs, serges, shaloons, hollands garlix, thread, laces, scyths, nailes and other iron ware, needles, pins, tape and many other sorts. But cannot give an exact account of their quantity, they being by our merchants and shopkeepers mostly imported by land. We have about ten or twelve sail a year to Surranam, Estatia and St. Thomas's, the commodities we carry thither are houses, lumber, live stock and some provisions and make our returns in sugar, molasses and some cocoa and in a year or two we have a vessell and some times two trades to Genoa or Leghorn or Holland with fish and logwood and in return take bills of exchange for London and load home with salt, if from Holland Dutch goods which they

1731. [474]

pay a duty for in England. H.M. Collector of this Colony with the Naval Officer, the waiters and other Officers are well supported by the Government which has effectually suppressed all illegall trade. The produce of this Colony is beef, pork, butter, cheese, Indian corn, horses and sheep. Our annuall export is about £10,000 sterling. There is no mines as yet discover'd amongst us but iron and that not one quarter enough to supply the inhabitants. Our whites are 15,302 and blacks 1,668. Our inhabitants are increased about 6000 in these ten years past, part from Great Britain but the greatest part by our own growth. Our Militia are about 1,890. We have but one fort which is of stone regularly built and new and will mount about 60 pieces of cannon in it including the battery and commands the trade of Newport. As yet we have not been able to provide cannon for it, but have petitioned H.M. that of his grace and favour he woud bestow some on us. The Indians in this Colony are 985 and are very peaceable. There is but a few Indians near us and they are in the Massachusets and Connecticut Governments. No French or Spaniards near *etc.* *Continue*: We have no duties on any sort of goods imported saving a small revenue arising upon the importation of negroes and appropriated to the building of publick bridges and paving streets. The ordinary expences of the Governmt. is about £2000 pr. annum this currancy, extraordinary £2,500. The civil establishments is by Superior and Inferior Justices and Justices of the Peace chosen by the Assembly and commissioned by the Governour for the time being and military officers are elected and chosen in like manner. *Signed*, by order and in behalfe of the Genl. Assembly of H.M. Colony of Rhode Island etc., J. Jencks, Govr. *Endorsed*, Recd. 17th, Read 25th Jan., 173½. 3 pp. [C.O. 5, 1268. ff. 38-39v.]

Nov. 9.
Whitehall.

475. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* copy of representation of Assembly of Barbados. *Continue*: Your Grace will perceive thereby the declining condition that island is reduced to, not only by a hurricane *etc.*, but likewise as they alledge, by the trade carried on between the Northern Colonies and the French islands; This is a matter of so great consequence, that we must desire your Grace would be pleased to propose to H.M., that he would graciously recommend the consideration of the Sugar Trade in general to this Parliament at their next meeting; the several propositions which the Assembly have suggested for their relief, being of such a nature that they can only be attain'd by Act of Parliament. *Autograph signatures.* 1 p. *Enclosed*,

475. i. Representation of Assembly of Barbados to the Council of Trade and Plantations. Copy of Aug. 27 *supra*. [C.O. 28, 40. Nos. 10, 10 i; and (without enclosure) 29, 15. p. 239.]

1731.

Nov. 9.
Whitehall.

476. Mr. Popple to Governor Worsley. *Requests* information as to value of Governor's perquisites (as 26th Aug.) *Adds* : By the Minutes of what passed when several of the petitioners were heard at the Board, it was alledged by some that the perquisites arising to the Govr., who presides in the Court of Chancery, is Ordinary, Vice-Admiral etc. were computed at about £2,000 pr. annum, tho' the precise summ could not be ascertained. I take this opportunity of congratulating you upon your return into Engld., and of desiring you will excuse my giving you so immediate trouble upon your return. [C.O. 29, 15. pp. 240, 241.]

Nov. 10.

Phila-
delphia.

477. Lt. Governor Gordon to the Council of Trade and Plantations. This is his first opportunity of answering queries of 10th June etc. *Continues* : I know not of one law in force in this Province that can in any way affect the trade, navigation, or manufactures of Great Britain, nor do I know of any trade carried on here that can be injurious to that Kingdom ; for as the merchants and leading people of this Colony principally depend on the British trade, it is their manifest interest to carry that to the greatest height they are capable. Of manufactures, we have neither woollen nor linens that are exported, but as this countrey chiefly depends on, and subsists by, raising of wheat with some tobacco in the lower counties, all that the husbandmen can spare from the sustenance of their families is commonly sold by them to pay for the British and West India goods they want, and they are so far from laying up anything in store out of their crops that they are too generally in debt, and if they were not industrious in making some cloathing, especially the coarsest sorts for themselves, their families must be left naked : yet I have never heard that so much as one peice of woollen made in the countrey has been sold from the makers, those from the North of Ireland and Germans of both which we have considerable numbers have sometimes sold a peice or two of linen of their own making to their neighbours, or others for the buyers' own use, but none for exportation. The merchants and traders of this Province use their utmost industry in contriving methods to make returns for the British goods imported, and if more of such returns could possibly be made, more of such goods would be purchased, therefore all restraints on the people to prevent their furnishing themselves with necessaries by their own industry as cloathing, iron work for building ships, houses and the utensils of husbandry, as some have inconsiderately proposed, would have no other effect than to render so many of H.M. subjects much more miserable and altogether useless, without bringing any manner of benefit to Britain, for as no man sells goods but in expectation of being paid, and as the country, as the case now stands, purchases as much of British goods

1731. [477]

as it can possibly pay for, 'tis in vain to oblige the people to buy more, that is, what they cannot pay for. The only method therefore to make these countries more profitable to Britain, I conceive with submission, would be to encourage them to raise some other produce than they have hitherto been accustomed to. The vent for wheat flour and bread depends on the crops of other countries and is therefore uncertain. Returns by tobacco, peltry, pitch and tar (which two last we receive from our neighbours) and by building of ships, is somewhat more sure. It has been thought that iron would be a more certain return, but those concerned in these expensive works have from the loweness of the price in Britain been disappointed in their expectation. An encouragement has been given by our Assemblies for raising of hemp, but no great progress has hitherto been made in that commodity, tho' in time it may be more considerable. But I have earnestly press'd it on our Assemblies to promote the making of raw silk, for which this country seems to be as well fitted as most in the world, but persons skilled in winding it from the balls are wanting, and scarce any here can fall into the method, so that very small advances have hitherto been made in this produce, yet as raising of silk is said at first to have gott footing but by very slow steps even in so populous a country as France, by proper encouragements 'tis not improbable but in time it may also obtain in these parts. *Signed*, P. Gordon. *Endorsed*, Recd. 24th, Read 25th Jan., 173½. 2¾ pp. [C.O. 5, 1268. ff. 35-36v.]

Nov. 10.
Phila-
delphia.

478. *Same to Same.* Having very lately received a letter from the President of H.M. Province of New York, with a Minute of a meeting of the Commissioners for Indian Affairs at Albany, and the resolves of the Assembly of that Province, touching the encroachments of the French, *encloses copies etc.*, not doubting but the whole matter will be fully represented by *him etc.* *Continues*.—The French, on some pretence claiming all lands lying on any waters, of the mouths or inlets of which into the sea they are possessed even as high as their first fountains, and some of the branches of Mississippi flowing through the back parts of Pennsylvania, they consider the Indians settled therabouts as seated on their lands and as such treat with them, by which means they are incessantly endeavouring to bring over all our Indians to their interest, and its much to be feared their endeavours of late have been but too successfull. About one half of our Indians were of the Shawanese, or as the French write them Chouanois, a people that removed into this province above 30 years since from a river of that name to the southward. These people from an apprehension that the Six Nations were not well affected to them have mostly removed backwards, and this last summer

1731. [478]

have putt themselves under the protection of the French: Being informed of this I sent a message to the Six Nations proposing to try, if by a treaty and presents, any method can be found to bring those Shawanese back, but the messenger is not yet returned. Those of the Shawanese who removed thither are reputed to be near 300 men, they are bold warriors in their way, and if entirely gained from us, on a rupture may prove dangerous, not only to us, but the rest of the main. The French also have gained over a considerable part of the Six Nations, who have generally been look'd upon as our greatest strength. To confirm this account and to strengthen the information given to the Commissioners for Indian Affairs at Albany, I herewith likewise send a copy of an examination of one of our Indian traders lately taken before me. These encroachments, and the daily acquisition of new strength thereby to the French interest, together with their practices on our Indians, will be found to be of such importance as may deserve the serious attention of your Right Honble. Board *etc.* Signed, P. Gordon. Endorsed, Reed. 24th, Read 26th Jan., 173½. 2 pp. Enclosed,

478. i. President Rip Van Dam to Lt. Governor Gordon. Having lately received an information of the Commissioners for the Indian Affairs at Albany of the encroachments the French are making on the frontiers I caused the same to be laid before the General Assembly at their last sessions who thereupon have address me not only to represent the same to the Court of Great Britain, but also to the Governors of Connecticut, the Massachusetts and Pennsylvania *etc.* Encloses following, "that your Honr. may take proper means for the defence of H.M. subjects, and as well as myself lay this matter before H.M. and beg his royal directions for our behaviour" *etc.* Signed, Rip Van Dam. Endorsed as preceding. Copy. 1 p. Enclosed,

478. ii. Commissioners for Indian Affairs to [? President Van Dam] Albany. 25th Sept. 1731. By the inclosed Minute your Honour will perceive that the French are still active to make new fortifications and strengthen themselves on a place so near to our Northern Plantations that it puts us in a great consternation considering the defenceless condition we are in, and God only knows what the designs of these our vigilant ennemys may turn to while they endeavour to encroach upon us on all sides and to interrupt our trade, so that we hope the Legislature will take our naked condition into their consideration and use such means as will bring us to a posture of defence. Signed, Evert Bancker and 7 others. Copy. ¾ p.

1731.

478. iii. Minute of Commissioners for Indian Affairs, 25th Sept., 1731. Messrs. Johannis Evertse Wendel and Isaac Kip being yesterday arrived from Canada, *etc.*, say that in their going up thither they found the French employed in erecting a fort at the Crown Point on the South end of Corlaar's Lake near the carrying place above Sorahtogue, in which work was 80 odd men concern'd which at their return they found compleated, and inclosed with stockadoes, and likewise they have finished a house of 40 ft. and were busy to erect two more who design to strengthen the same by inclosing it with a stone wall next spring as the aforesaid gentlemen were credibly informed in Canada *etc.* They have likewise heard that the French positively design to go up next spring with 200 men to Tiederondequatt which is on the south side of Kaderachque Lake above Oswego near the Sinnekes country in order to stop the English trade at Oswego. They are also informed *etc.* that Jean Ceur was gone out to bring over to the interest of the French a new settlement of Indians above Niagara who have been in commerce with the inhabitants of the province of Pennsylvania. *Endorsed*, Recd. 24th, Read 26th Jan. 173 $\frac{1}{2}$. *Copy.* 1 p.

478. iv. Journal of House of Representatives of New York, 30th Sept. 1731. Upon taking the above information (*Nos.* ii and iii) into consideration, the House are justly apprehensive that if these encroachments are not prevented, they may prove of the last consequence, not only to this Colony, but also to several others *etc.*, inasmuch as the French can march from the Crown Point in three days to Albany itself, whereby the frontiers would be extreamly exposed, in case a rupture should happen between that Crown and Great Britain ; and that in mean while they may at Tiederandequat obstruct the bever and furr trade at Oswego, which has been acquired there at a vast expence, and therefore resolved *etc.* that the President be addressed to represent *etc.* as encl. i, and that the Commissioners of Indian Affairs at Albany be directed to employ proper persons, and such as have an interest among the Six Nations, particularly among the Sennekas, to dispose them to prevent the French from annoying them or obstructing our trade with the Indians at Tiederondequat *etc.* *Copy.* 2 pp.

478. v. Examination of Jonah Davenport, Indian trader, taken before Lt. Gov. Gordon. Philadelphia. 29th Oct. 1731. Examinant says he is lately come from Allegeny where there are now Indian settlements consisting of about 300 Delawares, 260 Shawanese,

1731. [478. v]

100 Asswekالاes, and some Mingoos. Last spring was four years a French gentleman in appearance, with five or six attendants came down the river to a settlement of the Delaware Indians on Ohio River which the Delaware Indians call Kithanning with an intention as examinant believes to enquire into the numbers of English traders in those parts, and to sound the minds of the Indians. He spoke the Shawanese language, with whom examinant has conversed, but, few of the Shawanese being then there, nothing of moment passed. In the spring of 1730 the said Gentleman returned with about five attendants and had some discourse with the Shawanese touching the English and French interest and endeavouring to persuade them to unite themselves to the French, and took with him 10 or 12 Shawanese to Montreal *etc.*, some of whom at their return told Examinant that they had been civilly treated by the French Governor and that they intended to go and live among the French. Last spring the same person returned with the same number of attendants, one of whom was called his brother who being a gunsmith wrought for the Indians during his stay amongst them. The French made a considerable present to the Shawanese in powder, lead and some woollen goods which they returned by another large present. Several conferences were held between them, the result of which was *etc.* that the Shawanese should remove themselves amongst the French, which examinant verily beleives they soon intend to doe. The French gentleman again took with him at going 15 or 16 of the Shawanese who were not returned when this examt. left Allegney *etc.* Examinant in his dealings with the Mingoos now called the Six Nations has frequently heard some of these people mention the extraordinary civility of the French to them and that attempts were making to induce them to break from the English interest. *Signed*, John Davenport. *Endorsed*, Reed. 24th, Read 26th Jan., 173½. *Copy. Signed*, P. Gordon. 1¾ pp. [C.O. 5, 1268. ff. 40-41, 42, 43, 43v., 44v., 45v.-47v., 48v., 49v.]

Nov. 10. **479.** Lt. Governor Gordon to the Duke of Newcastle.
 Phila-
 delphia. *Encloses following* proceedings of a Court of Admiralty, when John McFerson, Paul Green, John Thompson, John Harney and John Cole, mariners, were sentenced to death for seizing and sinking a Portuguese ship *etc.* *Continues*: "But it not appearing on the tryal that they had been guilty of any murther, the Commissioners recommended to me to suspend the execution

1731. [479]

of the said sentence till H.M. pleasure is known" etc. *Refers to depositions. The matter was first discovered by Williams, the Master of the ship Joseph, who has since absconded. The goods mentioned are carefully secured and a claim thereto is entred in behalf of some Portuguese merchants etc. Prays for directions. Signed, P. Gordon. Endorsed, Rd. Jan. 3. 3 pp. Enclosed,*

479. i. Proceedings at a Court of Admiralty at Philadelphia, 15th Oct., 1731. Trial of *above* five for piracy "one league from the island of Tercera being one of the islands called the Western Islands or Azores." *Copy, Signed, Pat. Baird, Regr. 10 pp.*

479. ii. List of goods found in possession of above pirates. Robt. Charles, Navl. Offr. 1 p.

479. iii. Deposition of Emanuel Joslin, of Philadelphia, merchant. On his voyage from St. Christophers for Virginia on the *Joseph*, Thomas Williams master, they spoke with above pirates on board the Portuguese ship, who asked for provisions etc. Disregarding deponent's protests, Williams took the pirates and their goods on board the *Joseph*. They sank the Portuguese pink etc. 7 pp. *Sign'd, Emanl. Joslin.*

479. iv. The examination of John MacFerson. Examinant having been badly treated by the Portuguese in the ship *John Pink* of Bristol, in which he shipped from Lisbon, connected with several other Englishmen in like case to seize said ship at Tercera etc. *Signed, Jno. McFerson. 4½ pp. [C.O. 5, 1234. Nos. 12, 12 i-iv.]*

Nov. 11. **480.** Mr. Popple to Mr. Burchett. *Encloses, for the information of the Lords Commissioners, extract from Lt. Govr. Whitehall. Dunbar's letter, 11th Sept., giving an account of some extraordinary proceedings before the Judge of the Admiralty in New Hampshire etc. [C.O. 5, 917. p. 13.]*

Nov. 11. **481.** *Same* to Mr. Carkesse. Similar letter to preceding. Whitehall. [C.O. 5, 917. p. 13.]

Nov. 12. **482.** *Same* to Mr. Fane. *Refers to acts of the Massachusetts Whitehall. Bay, (i) for ascertaining the numbers etc. of Representative, 1692, confirmed 1695, and (ii) for enlarging the pay of the members etc., 1726, which last being only temporary expires by its own limitation in 1730 etc. Desires his opinion whether upon the expiration of the second act, the clause in the first relating to the sending a Representative to the General Assembly by each town consisting of 40 familys (repealed by the last) does not revive. [C.O. 5, 917. p. 14.]*

1731.

Nov. 12. **483.** Mr. Popple to Thomas Nisbett and Henry Norris.
Whitehall. The Board desire to speak with them concerning trade
between Sweden and the West Indies *etc.* *cf.* Aug. 31st.
[C.O. 389, 28. p. 463.]

Nov. 12. **484.** Governor Belcher to the Duke of Newcastle. *Encloses*
Boston. *following. Continues:* By which your Grace will see, that it's
doubtfull whether those ships (*v.* 1st Nov. No. 461) may reach
old Spain this year *etc.* *Signed,* J. Belcher. *Endorsed,* R.
5th Jan. 1 p. *Enclosed,*

484. i. Deposition of Richard Waite, master, John Little,
mate, of Plymouth, and Maurice Pate of Boston and
John Lile, passengers, of the sloop *Union*. Boston,
Nov. 5, 1731. On 21st Sept., on voyage from Jamaica
to Boston, in the latitude of 21 deg. 30 min. in the
windward passage off the Hogstys they saw, a Spanish
galloon, 4 or 500 tons burthen, 24 guns and about 100
men very much wrecked, having no rudder, bowsprit,
lyon, and nothing but jury masts *etc.* which hailed
the sloop and fired a shot at her. They went on board
and brought off an interpreter, who told them that
about 5 weeks before they made up a fleet at the
Havanna of 3 men of war and 4 large galloons. But
a few days after they sailed for Cadiz, they met with
a violent storm and the ships fell foul one of another
and all of them recieved very considerable damage,
particularly the flag ship struck this galloon *etc.* Three
of the ships were driven on shore upon the Keys called
Mara Provouz about 10 or 12 leagues to the north-
wards of the Hogstys in the windward passage afore-
said *etc.* The interpreter told them not to be afraid
if they should see any of the aforesaid ships, for they
were very much broken in the storm and could not
follow them *etc.* He said they had money enough
on board the aforesaid galloon, and that the flagship
had on board 30 millions of money *etc.* *Signed,* Richd.
Waite, John Lyle, Morris Pate. 1 $\frac{1}{4}$ pp.

484. ii. Certificate that above was sworn to before him.
Signed, J. Belcher. Sealed. $\frac{1}{2}$ p. [C.O. 5, 898. Nos.
98, 98 i.]

Nov. 13. **485.** Governor Hunter to the Duke of Newcastle. *Encloses*
Jamaica. copy of following. *Will send* by the next ship an account of
the proceedings of the Assembly, which has not as yet entered
on any business. He cannot as yet make any judgment of their
intention, "which at any time is not an easie matter, being
so mutable" *etc.* P.S. Since my writing of what is above the
master of a vessel from New England call'd Benjamin Tout has
been with me and informs me, that on the first of this month

1731. [485]

he was attack'd by one Fandanio formerly a *garde de coste* but now a declar'd *pyrate*, he fir'd on him under a black flag, took him, strip'd him and plunder'd him of all his cloaths and provisions and some of his salt fish, carried him first into Monte Christo in the north side of Hispaniola, and then to Barraco and Cuba, and after having used him very ill dismiss'd him. *Signed*, Ro. Hunter. *Endorsed*, R. 7th Febry. 1½ pp. *Enclosed*, 485. i.-iv. Duplicates of following covering letter and enclosures i-iii. [C.O. 137, 53. ff. 384, 384v., 385v.-386v., 388, 388v., 390-394, 396, 398.]

Nov. 13.
Jamaica.

486. *Same* to the Council of Trade and Plantations. On the 4th of this month I had the honour of your Lordships' letter of 28th July *etc.* Capt. Brook the Commander of that unhappy expedition against the rebels was recommended for that service by the Genl. Assembly, one of their number and a Capt. of the Militia, upon his return he was by a country Court Martial mulcted of all his pay due for the time he had served, and that was all. The next country party that was sent out under the command of one Peters of my own choice tho' nothing so considerable, had better success, having surpriz'd the rebels in their chief town, kept possession of it three days, but contrary to his Instructions left it after having set it on fire, his pretence was that his men would not stay longer nor suffer him to detach for provisions. There has been now for some time pass'd an expedition on foot against the same rebels settlements, the force consisting of a country negro party in conjunction with the regular forces at Port Antonio under the direction of the Commanding Officer there, but hitherto retarded by unaccountable and unforeseen accidents, such as the rains in an uncommon season of the year, and the general sickness of the troops occasion'd in a great measure by those rains, but in my opinion more from rum, the King's ship the *Lime*, which carried the reinforcement from this side the Island, being shatter'd and put back by lightning, and several men particularly of the two Independent Companys kill'd, and other rubs in my way which I have got over as well as I could; a fresh detachment being arrived there in another ship the *Tartar*, so that I am in hopes if the fluds permitt they are march'd out before this time. As to the Musketoe Indians, it is but too true, they were not satisfied with their treatment when here last, neither had they much reason to be so, having had their arms which were given them taken from them upon their return home; but by the report of all who were acquainted with them they are utterly unfit for such service in the rocks and mountains, their own country consisting of marshes and boggs, and all or most of their expeditions there performed in canoos, neither did they indeed do any service when here, pretending they were impos'd on in assurances given them, that the rebellious negroes had neither

1731. [486]

arms or ammunition, they have however lived in strict amity and correspondence with this Island; Their King has sent his excuses for not having been here upon the account of his wars, but according to his desire I sent him a parchment Commission with a great Seal and trappings to it as usual. I send you the copy of their last letter I received from their Capt. General to convince your Lordships that we live still in as good an understanding as ever; Their King having signified his inelination to me of going to England, I thought fitt to putt it off under the pretence of the season of the year, but the real reason was our then situation with Spain, thinking an eclat of that kind at that time might perhaps draw into consequence; but if he applies in earnest again and comes hither, I shall send him home in one of the King's ships unless I have orders to the contrary. The representations from the Council here to H.M. transmitted to the Duke of Newcastle will inform or convince your Lordships of ye necessity of a force here; your Lordships will observe from the state of the Island which I had the honour to send you the vast disproportion in the numbers of whites to blaeks, and I assure you that in the opinion of the men of substance and sense here, the arrival of these two Regiments at that time was so seasonable, that it was look'd upon as a special stroke of Providence in their favour, for their plantation negroes were grown to that degree of insolence that they durst hardly order them out to work, and have been very tractable ever since; altho' the regular forces have been of little use hitherto in their reduction for the reasons above given, yet their removal from this island as it is industriously given out to be intended, must be attended with fatal consequences by the incouragement it would give to the slaves in rebellion and to others to rebel, and the militia no ways to be depended on consisting chiefly of hired servants and these of the worst sort, and very few. Our Genl. Assembly met according to their prorogation on Tuesday last the 9th inst. but have not as yet proceeded on anything except formalities. I send herewith a copy of what I said to them and their answer, I can as yet make no judgement as to their resolutions but shall by all opportunitys apprize your Lordships of what passes. I must in duty observe that the great source of all our evils on this side is the indolence and inactivity of the men of figure and substance, who generally speaking not only ly by in the election of members of Assembly, but will give their interest for the choice of such as are reecomended to them by their lawyers, and those who make that interest are for the most part men of low fortunes and desperate circumstancees and want personal protection. There has been in all the former additional duty acts as they are call'd an imposition on conviets imported here, this which your Lordships mentions is indeed the highest, but seem'd to the body of the people here absolutely necessary to prevent such from coming from the northward,

1731.

[486]

for none are imported directly from England hither, and our trading people in our towns who used to sleep with their doors open heretofore are since the arrival of some of these convicts here oblig'd to keep watches on their counting and storehouses, several of that kind particularly two in the last Supream Court were condemn'd and executed for felonys. I for my part can not think that the merchants at home have any just ground to complain of the additional duty on negroes, for if they are sold here the planter pays it, if carried abroad the Spaniard. I shall do my best to git it moderated, tho' the Assembly are much distress'd for ways and means. The Protestant bill, as 'tis call'd, was repeal'd by an act here, those who promoted it in the Assembly thinking it guarded in such a manner that it could be of little use, and so grew indifferent about it, which facilitated the passing the repealer in both houses, but in my humble opinion it may be of some in deterring at least the native Irish Papists of which our servants and lower rank of people chiefly consists from pouring in upon us in such sholes, as they have done of late years, they are a lazy useless sort of people who come cheap and serve for deficiencies, and their hearts are not with us, so that the country have great obligations to your Lordships for recommending it to H.M. approbation and I hope you will add to them by gitting the repealer to be disapproved. I have done my best for H.M. service and the benefit of the people committed to my care, I may have err'd in judgement but my conscience acquitts me of all willfull errors, which I flatter myself intitles me to the continuation of your Lordships' favour *etc.* P.S. Several partys of the rebel slaves have made incurtions lately in different parts of the Island. One of them between the barracks which is built on the road towards their chief settlement and Port Antonio, altho' there was a party of soldiers and other arm'd men at that barrack at that time. It has been built since the detachment of the country ordered on this expedition arriv'd there, and a road clear'd to it from Port Antonio almost half way to their chief settlement. They there kill'd one negro, wounded three very dangerously, and carried off a negro woman; they have also been down at St. David's to the windward, where they have kill'd one and carried of another; they have also murder'd two of the soldiers in St. James's who had been stragling from their barracks, one of their heads cutt of and the body of the other has also been lately found in the woods there; several negroes have deserted their masters lately, particularly twenty of Col. Nedhams on the north side; "and without doubt will joyn the rebels if they have not already don 't." *Signed*, Ro. Hunter. *Endorsed*, Recd. 5th, Read 8th Feb., 1731½. 9 pp. *Enclosed*,

486. i. Address of the Assembly to Governor Hunter. 10th Nov., 1731. Return thanks for speech (*infra*) and promise sincere endeavours to promote welfare of

1731. [486. i]

the country *etc.* *Signed*, John Stewart, Speaker. *Endorsed as preceding.* *Copy.* 1 p.

486. ii. General of the Musketo Indians to Governor Hunter. Misquittos, 17th July, 1731. The long and as I hope continuall amity and comerce between those of your Nation, more especially Jamaica, and as Misquittos Indians under the rule of my royal master Peter of these territories King, induces me allways to have good will and respect to your honble. Government as has been to your predecessors; and not forgetting yor. many former friendships, I have by the bearer of this (Geo. Wood) sent you a sloop of English built taken by the Spaniards last year in or near the bay of Hundor's [? *Honduras*], weh. when I found man'd arm'd and fitted in a hostile manner cruising on the boarders of our coast with our enemy ye Spaniard on board I have made bould to drive them out of her *etc.*, desiring the favour if there be any part of the sloop as salvage or otherwise from the owners coming *etc.*, you would send the following goods by the bearer, vizt. small arms, powder and shott, flints, beads, orbrs. axes and sune fine hatts *etc.* *Signed*, Charles Hobby, Capt., *his mark.* *Same endorsement.* *Copy.* 1 p.

486. iii. Speech of Governor Hunter to the Council and Assembly. Urges on the Assembly the continuing the additional subsistence bill for a longer time and the passing of the annual bills which expire about March, to save another meeting before that time *etc.* *Copy.* *Same endorsement.* 1½ pp. [*C.O.* 137, 19. ff. 108–112, 113v., 114, 115, 116, 116v., 117v., 118v., 119v.]

Nov. 13.
Jamaica.

- 487.** Governor Hunter to Mr. Popple. On the 4th of this month I reced. yours of 10th June with their Lordships' commands to lay before them an accot. of laws made, manufactures set up, or trade carried on in this island, which may affect the trade, navigation and manufactures of Great Britain, had there been anything of that nature here I had not fail'd to acquaint their Lordships before now, but upon the strictest examination and best information I can find nothing of that kind here. *Signed*, Ro. Hunter. *Endorsed*, Reed. 5th, Read 8th Feb. 173½. 1 p. [*C.O.* 137, 19. ff. 120, 123v.]

Nov. 14.
Charles
Town.

- 488.** Governor Johnson to the Council of Trade and Plantations. The 20th of last August we finished the Sessions when I gave my assent to the following acts vizt., (i) *Confirming the ancient and approved method of drawing juries by balloting etc.*; (ii) *for erecting two chappels at Santee*; (iii) *for remission*

1731. [488]

of arrears of quit-rent ; (iv) tax bill for 1731 ; (v) for reprinting the currency ; (vi) appointing an Agent to sollicite the affairs of this Province in Great Britain ; (vii) for establishing five ferrys ; (viii) for the better regulation of the Indian trade ; (ix) to revive several laws ; (x) for obliging persons living and residing in the several counties and precincts to serve on juries in Charles Town ; (xi) for appropriating £104,775 1s. 3½d. towards the payment of the publick debts. I now transmit the said acts with the Journals of the Council and Assembly and Naval Officer's account of ships entered and cleared 24th Dec. 1730—29th Sept. 1731 *etc.* It is pursuant to the 19th Article of H.M. Instructions that I have obtained the act for remission of arrears of quit-rents and registering patents *etc.* in which act pursuant also to the said 19th Instruction provision is made for the registering of all lands, and for the easy recovering of H.M. quit-rents, and that all quit-rents shall be paid for the future in Proclamation money, and does repeal from the time of H.M. assent to the said law, the act mentioned in the said Instruction *for ascertaining the prices of land etc.*, which the people were so very fond of, and was the foundation of the disputes between the late Lords Proprietors and the people, and occasioned the non-payment of quit-rents for above twenty years past, which your Lordships thought so necessary to be repealed. The quit-rent law now pass'd is of that consequence to H.M. service, and the people's property's, that it took up much time and debate betwixt the Council and Assembly to adjust it and by it they think they have effectually secured the payment of H.M. quit-rents, in Proclamation money, which they apprehend by the former law, *for ascertaining the prices of lands etc.*, they were not obliged to. They hope H.M. upon this Happy Revolution (of being now under his immediate Government, and complying with his Majesty's Instructions as above) will graciously settle and confirm all their titles, derived from the Lords Proprietors, however deficient they may have been for want of power in them to grant, or any commission or omissions in the form or manner of their conveyances ; and accordingly in this act it is very amply provided for ; I would fain have excluded the large grants of Landgraveships, casiqueships and baronies, as being prejudicial to the well settling of the Province ; but so many people have during the long time the land office has been shut up, purchased under those titles, that almost everybody in the Province are more or less concern'd in the support of them, so that the Council and I found it impossible to carry the points so necessary for H.M. service without confirming those titles however deficient they may be in law. They plead equity as having paid considerable summes for their purchases under those titles ; that the law they agree now to part with vizt. *for ascertaining the prices of land etc.* has a clause that effectually confirms all deficient titles ; that many sales settlements, and

1731. [488]

mean conveyances have been made under them, that they have greatly improved the said lands and great summes of money have been payd for purchasing of Baronys as yet not layd out or survey'd ; and they further plead that every Governement in America has one time or other past acts to determine and secure titles to lands ; and as the reserved quit-rents are continued to H.M., which consequently makes it no detriment to his immediate interest, the Council and I consented to this part of the law, as what was absolutely necessary for the peace and tranquillity of the Province, and hope it will meet with H.M. approbation. Pursuant to H.M. 20th Instruction an act is past suspending the sinking the present paper bills amounting to £104,775, for seven years, which law appropriated £5000 a year arising from the dutys upon negroes and other goods, for the subsisting and buying tools and provisions for one year for such poor Protestants as shall come to settle here, and for the charge of laying out townships for them, pursuant to H.M. 43 Instruction. Mr. Purrey a Swiss gentleman has already pitched upon a place for a township, which I am going to lay out for him, he having undertaken to bring over one hundred familys to settle it, and as soon as may be I propose laying out other townships for the same purpose. This act gives the greatest ease, and satisfaction imaginable to the people in general, and the merchants as well as planters, seem intirely satisfyed with it, for the want of circulation was such that the act for calling in and sinking £45000 of these paper bills, is now found to be as prejudicial to the trading as the planting interest, our bills having acquired such a currency, that for these 9 or ten years past, there has been no variation in their value, notwithstanding a private bank of £50,000 this currency is set up and circulated, besides several merchants' promisory notes which pass as money, so great is the want of currency to circulate in trade, which is very much increased of late years, so that I hope this act will likewise meet with H.M. approbation. The want of more paper currency is very great, the Assembly is very desirous of having more, but as the sessions has been very long, and that to settle it upon an equitable and sure foundation will require much time, the consideration of the 21st article of H.M. Instructions relating thereunto is defferd till the next meeting of the General Assembly which is to be the third Tuesday of this month. I recommended to the Assembly your Lordships' sentiments (v. 2nd April) relating to a summons instead of a *capias* in civil actions ; but the experience they have had of the ill use that has been made of the summons law when in force, and of the great grievance it proved to the subject, makes it impossible ever to bring the Assembly to consent to pass such a law again, and the more because it is contrary to the usage and custom of England. As to the act for settling the Courts of Justice past in 1726 the Jury law herewith sent in a great measure remedys

1731. [488]

the inconveniencies which the aforesaid law brought on the trading interest, for now creditors may at their option, bring their actions for debt, either in the Court of Charles Town, or in the precinct Courts where the debtor lives, which is greatly to the satisfaction of the merchants, and the clause obliging people who live in the counties to serve as jurymen in Charles Town weakens the authority of the precinct courts, which the Colony was too young for, and the merchants much complained of, and they are likewise much pleased at the repeal of a clause in the same law viz. *for settling the titles of the inhabitants etc.*, which clause obliged creditors to sue executors within the space of two years or loose their debts; and the complainant Mr. Lownds is likewise benefited by it, all the law business being brought now to Charles Town, and I having induced the Assembly to allow for the keeping of prisoners such as fellows etc. is a very beneficial article to the Marshall's place. There has not been a tax raised these four years past; but they have now past an act for raising £27,905 for the service of the current year, (*enclosed*). There have been no Courts of Justice held these four years for want of a jury, but now by the jury act a new jury box is fill'd. The rest of the laws past relating purely to the publick utility of the Province, I dont trouble your Lordships with remarks upon them. Pursuant to the three orders from H.M., 30th Nov. 1730, I have appointed by patents Robert Wright Esq. Chief Justice, James Abercromby Esq. Attorney General, and Theophilus Gregory Esq. Master in Chancery during pleasure. I have likewise sworn Mr. St. John as Surveyor General etc. Pursuant to the 52nd article of my Instructions I herewith send your Lordships a copy of Judge Trot's commission, and the late President and Council's, and my proceedings upon his demanding to be invested in his authority; he is the only person that makes any claim of places by virtue of the late Lords Proprietors' commission; I shall only observe he has been divested of that post ever since General Nicholson came Governor, and then acknowledged his authority ceased, and never claimed it before the purchase law pass'd. Pursuant to my 106th Instruction, I have induced the Assembly to raise £800 sterl. for building a small fort and barracks at Alatamaha and Port Royal, and I design soon to set out for those places to give the necessary directions for the buildings and removing a detachment of Capt. Massey's company to Alatamaha; the Assembly call this £800 a loan to H.M., hoping they shall be reimburs'd, they do it in pure compliance to H.M. pleasure, for they are of opinion the company would be of more service at Port Royal. The Assembly in consideration of my long attendance in England, in solliciting the publick affairs of the Province, particularly the endeavouring their being put under H.M. immediate government, as a mark of their esteem, and without any desire or application from me, have made me

1731. [488]

a present of £500 sterl., they have likewise allowed me in the estimate for the £500 sterl. by way of sallary as also £114 sterl. a year, the rent I actually pay for the house I live in; I used my utmost efforts to have this settled during my government, agreable to H.M. Instruction, and lost it by one vote, which gives me some hope at their next meeting to carry it, the summe being so moderate, notwithstanding the aversion all America show to precedents of this nature, which influences our people very much. I do solemnly protest to your Lordships now the Independent Company is separated from the Government the perquisites of it are not worth £100 sterl. a year, so that without that allowance it is impossible for me to support the dignity of my office. They likewise give by the year a sallary of £100 sterl. to the Chief Justice, which is all I could possibly bring them to do. The stores of war H.M. has been graciously pleas'd to supply this Province with, are arriv'd; our fortifications are intirely ruined by the hurricanes, and will cost a great deal to repair. I will use my utmost endeavours to induce the Assembly to begin the repairs at their next meeting. I have orderd the storekeeper and gunner to prepare their accounts pursuant to my 101st Instruction, to be transmitted to your Lordships; as likewise pursuant to my 47th Instruction an account of the establishment of jurisdictions, courts, officers etc. I have received Mr. Popple's letter of the 10th of July which shall be answerd as soon as possible. P.S. Nov. 19th. The Assembly met according to adjournment, but being a very busy time of the year, only past a short act, to make good a deficiency in the tax act, and adjourn'd till the 18th of January. I send your Lordps. the resolutions I am come to with the advice of ye Council relating to the granting, and ye form of grants as settled in Council; as likewise a copy of my Proclamation about surveying lands upon ye Surveyor Genll's. arrival. *Signed*, Robt. Johnson. *Endorsed*, Recd. (from Mr. Furie) 26th Jan., Read 16th Feb., 173½. 8 pp. *Enclosed*,

488. i. Answer to the Board's Queries of 16th June, 1731.

South Carolina has but very mean stocks of sheep so that they are supply'd with all their woollen goods from Great Britain, except some small quantity of course cloth made there with which they clothe their negros, composed of wool and cotton (which grows in the country) mixt, but as wee compute upwards of 20,000 negros in the Province, wee do not suppose 1000 of ym. are thus clothed, but by the course cloths from England. Here are very great stocks of nett (? = *neat*) cattle, so that they make their own candles and soap, and ship off some beef in barrells and some pork to the Sugar Islands, and some of the hides tann'd here, for which they have in return rum, sugar and molosses, they make also some shoes for their own

1731. [488. i]

consumption, but not in any proportion to what they use, their linnen they have all intirely from Europe. A small quantity of silk is made here the most of which is sent home raw, and would be great advantage to Great Britain if duely encouragd as well as to the Province, but for want of people that commodity is not capable of being augmented. Potashes may well be made here, if a bounty were given, and the great duty taken off. It is thought hemp and flax would grow well here, if the fresh rivers were well settled with people which at present they are not. Pipe and hogshead staves, hoops, and most sorts of lumber are here as good as in most parts of America. Rice is at present the staple, but by reason of the great quantitys made and the confind market it is apparent by the enclosed account, must rather be lessened than augmented, or the planter will be ruined by his industry. Pitch, tar and turpentine has been made here in greater abundance than all the rest of the Northern Collonys together and the Naval Officers quarterly accott. I sent your Lordships, shows the quantitys shipt last year. The dutys by an act passd in the late Governor Nicholson's time are as followeth vizt., on negroes above ten years old 28*s.* 7*d.* sterl. pr. head ; under 10, 14*s.* 3½*d.* On *do.* pr. head for finishing a State house in Charles Town, 2*s.* 10½*d.* On all goods imported from Great Britain for maintaining a watch in Charles Town, 6*s.* pr. ct. on the English prime cost. The foregoing are all the duties I can learn do in any wise concern the trade of Great Britain. It is to be noted, that his Majesty has given leave to appropriate for seven years to come the duty on negros, which is accordingly done by the act *for ascertaining H.M. quit-rents*, and for any other dutys layd on goods and merchandises from the Plantations, as I humbly conceive they do in no wise affect or concern the Trade or Navigation of Great Britain, herewith your Lordships have a schedule of all the dutys in general. The dutys on negros and liquors was past in the late Genl. Nicholson's time, and is in your Lordships' office, and now by the forementioned act continued in force for seven years from the date or ratification thereof. *Endorsed as preceding.* 2¼ *pp.*

488. ii. Naval Officer's quarterly aaccount of rice, pitch, and turpentine exported from Charles Town 29th Sept., 1730-1731. *Totals* :—Rice, 48,314 barrels ; Pitch, 16,602 barrels ; tar, 1895 ; turpentine, 2709.

Negro slaves imported during same period, 1533. *Same endorsement.* 1 *p.*

1731.

488. iii. Tariff of duties payable on imports and exports (hides and leather) by the act of 1721. *Same endorsement.* 2 pp.
488. iv. Minutes of Council of S. Carolina relating to the methods of granting lands and fees for same, in Proclamation money, Oct. 19, Nov. 2, 1731. *Printed,* 6 pp.
488. v. Form of a grant of land, 1731. 1 p.
488. vi. Proclamation by Governor Johnson, 4th Nov. 1731. No survey of H.M. lands not yet purchased to be made without warrant from the Governor and a deputation from the Surveyor General. Such warrants will be issued to persons applying by petition to the Governor in Council on 17th Nov. *etc.* *Signed,* Robert Johnson. *Printed.* 1 p. Nos. iv-vi. endorsed as No. i.
488. vii. Copy of the Commission of Chief Justice granted from the Lords Proprietors to Nicholas Trott, 8th March, 1707. *Endorsed,* Reed. 26th Jan., 173½. 1 p.
488. viii. Minutes of Council of S. Carolina, 14th Oct., 1729. Upon Mr. Trott claiming the office of Chief Justice, by virtue of a former patent from the Lords Proprietors, resolved that, until they receive Instructions from H.M., the Board will not alter the present establishment. *Endorsed,* Reed. 26th Jan., 173½. *Copy.* 1 p.
488. ix. Minute of Council, 25th Feb., 1730. H.E. having in obedience to H.M. sign manual of 30th Nov. appointed Robert Wright, Chief Justice, ordered that Mr. Trott be acquainted therewith, in reply to following memorial. *Copy.* 1 p.
488. x. Memorial of Nicholas Trott to the President and Council of S. Carolina, claiming office of C. J. (v. Nos. viii, ix). *Signed,* Nicholas Trott. *Endorsed,* Reed. 26th Jan., Read 16th Feb., 173½. *Copy.* 1¼ pp. [C.O. 5, 362. ff. 54-57v., 58v.-62v., 63v.-67, 68, 69v., 70, 71, 72, 73v., 74, 75, 75v.]

Nov. [—.]
Charles
Town.

489. Governor Johnson to the Duke of Newcastle. *Repeats* parts of preceeding and refers to papers therein sent to Board of Trade; also to his letter of 12th Aug. *Adds:*—I received the honour of your Grace's letter of 30th April last, ordering me to give all due encouragement to the Agents appointed by my Lord Carteret for taking up baronys and collecting his quit rents here, which I shall be sure to obey. *Signed,* Robt. Johnson. *Endorsed,* R. 6th Feb. 3½ pp. [C.O. 5, 388. ff. 38-41 and (*duplicate, dated* 15th Nov.)]

Nov. 15.
St. James's.

490. H.M. Warrant granting leave of absence for one year on his urgent affairs, to Alexander Henderson, Attorney General, Jamaica. *Signed,* Holles Newcastle. [C.O. 324, 50. pp. 7, 8; and 324, 36. p. 284.]

1731.

Nov. 16.
Whitehall.

491. Duke of Newcastle to Lt. Col. Cornwallis Draft of Instructions for withdrawal of the two regiments from Jamaica as in accordance with instructions of 16th Sept. *q.v.* 2¼ pp. [C.O. 137, 53. ff. 400-401.]

Nov. 16.
Whitehall.

492. *Same* to Governor Hunter. Similar draft of instructions. 2 pp. [C.O. 137, 53. ff. 402, 402v.]

Nov. 16.
Annapolis
Royal.

493. Lt. Governor Armstrong to the Council of Trade and Plantations. *Begins with* duplicate of 5th Oct. *Concludes:* I hope your Lordships will favour me with such directions as the facts therein [5th Oct.] related requires, for other ways, it will be a difficult matter to bring those people, to any reasonable terms of obedience to H.M. Government, or even to any manner of good order and decency amongst themselves; for tho' they are a litigious sort of people, and so ill natur'd to one another, as daily to encroach upon their neighbours propertys, which occasions continual complaints, and which were partly the cause of some of the paragraphs of my aforerecited letter, yet they all unanimously agree in opposing every order of Government, tho' never so conducive to their own interest, as I presume your Lordships will observe, by their answer to the Instrument I issued, by the advice of the Council on 13th Oct. *etc.* all which I transmitt for your Lordships' farther information, and advice thereon *etc.* Signed, L. Armstrong. *Endorsed*, Recd. 23rd June, Read 5th Oct., 1732. 7 pp. *Enclosed*,

493. i. Minutes of Council of Nova Scotia, 13th Oct.-11th Nov. 1731. Upon the petition of some French inhabitants for the confirmation of their succession as heirs to the Seigniority of Cobaquil, they were informed of the necessity of having their land all first surveyed, before H.E. could give them any grants, and a notice (*quoted*) to this effect was prepared and sent into the several districts *etc.* To which the inhabitants of the River of Annapolis Royall, replied, that they were grateful for his care, but they were made answer (*quoted* 11th Nov.), bound by contracts, and most of them too poor to pay the cost of surveying their lands. They therefore desired H.E. not to detain the Surveyor any longer, not having any intention of employing him for that purpose. If any difficulty arises about the lands granted before or now, they beg H.E. to decide it, since they were promised at the time of taking the oath of allegiance that they should not be disturbed in any way in the enjoyment and possession of their privileges *etc.* 87 signatures. A true copy, Signed, Wm. Murrell, Secry. *Endorsed as preceding.* 6 pp. [C.O. 217, 6. ff. 107-110v., 111v.-114v., 115v.; and (*abstract of covering letter*) 217, 30. pp. 49, 50.]

1731.

Nov. 17.

494. Representation of the Lt. Governor, Council and Assembly of Antigua to the Council of Trade and Plantations. For many years past a most pernicious trade hath been freely and openly carried on between the inhabitants of Boston, Rhode Island and other parts adjacent, and the subjects of the French King in Martinico, Guardeloupe and Hispaniola; in direct breach of the Treaty of Neutrality *etc.*, to the great damage and impoverishment of the Brittish Sugar Colonies: the decrease of their inhabitants: and the improvement of the said French islands. Boston and Rhode Island by their near and convenient scituation with respect to the British Sugar Islands, may with ease and mutual profit supply the wants of each other, was the trade confined to that channell, and the Sugar Colonies of Great Brittain would have thereby an infinite advantage over the French or Dutch: whereas by this trade taking a contrary and unnatural course, the French and Dutch settlements daily encrease and flourish while those belonging to the Crown of Great Brittain are upon the decline and languish. The Sugar Islands are in absolute necessity of a trade with Boston, Rhode Island and other parts of the Continent, for boards, staves, fish, horses and all manner of lumber; without which a sugar settlement cannot be made or improved, and the inhabitants on the Continent have in return rum, sugar and molasses; and as far as the Sugar Colonies are deprived of these conveniences, so far they must want improvement and in proportion decay. By the great quantity of boards, staves, horses, fish and all manner of lumber sent from Boston and Rhode Island to the French and Dutch Colonies, this island has often been drove to great extremitys and want, and usually purchase them at a more inhanced price; when their neighbours of a foreign nation have great abundance on easy terms; and these supplys afforded them by our own countrymen, contrary to law and the violation of a treaty. The evil effects of this trade and the mischievous consequences attending it cannot be more clearly evinced to your Lordships than by the growing greatness of Martinico, a large, seasonable and fruitfull island; which some short time before the treaty of Utricht had few more inhabitants (if any) than this island; and their trade and sugar settlements were little superiour: but it is with the greatest concern that we are now obliged to acknowledge that our inhabitants dureing eighteen years peace have scarcely encreased one man; and that Mountserratt and Nevis have much decreased: and yet the French in that island only, have augmented their number near tenfold; and their trade and sugar works in the same proportion: which in case of a rupture with France will in all probability prove the ruin of this, as well as the other Leeward Islands; and that by their own strength without the usual inforcement from France. The French are not only in a flourishing condition at Martinico,

1731.

[494]

Guardeloup, and Mary Gallante, but are also possessed of a large fruitfull tract of land at Hispaniola, with numerous inhabitants and a very great trade, to almost all parts and their forces and sugar settlements equal to those at Martinico. That the French daily encrease and make new settlements at Dominico and Sta. Lucia, at each of which places according to the best accounts are already settled near 500 inhabitants; and that some of the Brittish Sugar islands on the other hand have been, and are now at a stand, and others on the decline, must be imputed in a great measure to this fatal illegal trade which has had a long continuance, and has produced these mischiefs, and in time will be productive of more. By this trade from Boston and Rhode Island, the French are not only vastly benefitted and improved, but the Dutch also at Surinam. This trade enabled them to make their first settlements there, and from a small begining they have been able many years since to employ annually 40 or 50 sail of shiping in the trade to that place, and to make upwards of 40,000 of their hogsheads of sugar; whereas without this trade neither the French or the Hollanders would ever have made sugar to any advantage, much less to rival and exceed the Brittish Islands, and by a restraint of it they must soon decline and in time quite decay. The Dutch at Surinam are so plentifully supplied by this trade in all the particulars requisite for makeing and improveing sugar plantations, and at the same time are under that necessity for want of horses for their mills and for other uses, that they have been induced to make laws to restrain this trade, unless each vessell trading from Boston and Rhode Island thither, do bring each such a particular number of horses; and this law is so rigidly observed and put in execution, that in case of accidents of bad weather, that the horses shipt on board, should dye or be otherwise lost, the master is constantly obliged to preserve the very hoofs of those that are lost, to excuse himself from the penalty of their law. The Brittish Sugar Islands lye under very great discouragements by reason of this trade with regard to our neighbours the French and Hollanders, not only of the $4\frac{1}{2}$ p.c. and enumerated dutys, (which are unknown to them) and that our land is much worn and impoverished and wants a more expensive and chargeable cultivation; and consequently the profits thereby diminished, but also with respect of the want of those very necessarys which our forreign neighbours are so plentifully supplied with and at much easier rates. This island only with proper encouragement and with the necessary supplies of all things requisite for improveing our Plantations might reasonably make 10,000 hhds. of sugar more yearly than they either can, or do make at present and 5000 hhds. of rum in proportion thereto, besides a considerable quantity of rum more in proportion to the sugar we now make; which 'tis humbly apprehended your Lordships will be of opinion

1731. [494]

is giving the advantage of so much yearly into the hands of the French and Dutch. The early success that the bill for prohibiting this trade met with during the last session of Parliament, and the accidental miscarriage of it by their sudden rising, gives us better hopes at the ensuing session : and we earnestly entreat your Lordships as we are more immediately under your care and protection to add your influence to the passing a law for prohibiting effectually, this illegal and destructive trade to the Crown of Great Brittain. *Signed*, Edw. Byam, Natha. Crump, Tho. Freeman, Speaker *and 20 others.* *Endorsed*, Recd. (from Mr. Yeamans), Read 17th Nov., 1731. 1 large p. [C.O. 152, 19. ff. 74, 74v.]

Nov. 17.
Whitehall.

495. Council of Trade and Plantations to the Duke of Newcastle. Enclose following, just received, to be laid before H.M., "it being of the same nature as that from Barbadoes" *etc.* (v. 9th Nov.). *Autograph signatures.* 1 p. *Enclosed*, 495. i. Representation of Lt. Governor, Council and Assembly Antigua to the Council of Trade and Plantations. *See preceding*, No. 494. *Copy.* 7 pp. [C.O. 7, 1. Nos. 35, 35 i ; and (without enclosure) 153, 15. p. 113.]

[Nov. 17].

496. [? Mr. Ochs and Mr. Stauber] to the Council of Trade and Plantations. If the dispatch of their business is further prolong'd, it will have to be deferred another year or laid aside *etc.* It is unnecessary to stay for an answer of the Lords Proprietors that are bordering on the River Patomak *etc.* ; The Board need only express it plainly that this Colony is to be settled upon the King's land beyond the limits which the charters of the said Lords Proprietors claim *etc.* *Endorsed*, Recd., Read 17th Nov., 1731. $\frac{3}{4}$ p. [C.O. 5, 1322. ff. 185, 186v.]

Nov. 17.
Whitehall.

497. Mr. Popple to Messrs. Wilks, Partridge and Sharpe. Memorandum of a summons to attend the Board. [C.O. 29, 15. p. 242.]

Nov. 17.
Whitehall.

498. Mr. Popple to the Honble. Saml. Barwick Esq., President of the Council of Barbados. The Government of the island of Barbados, according to H.M. Commission, being devolved upon you, since Mr. Worsley's departure, *etc.* My Lords Commissrs. desire you will give them constant accots. of all transactions there ; But as Mr. Worsley has omitted the sending to this Office the several Naval Officer's lists during the whole Governmt., I am particularly commanded to desire, you will send authentic copies thereof for that time, by the very first opportunity, as also an answer to a letter I wrote to Mr. Worsley, 10th June last *etc.*, of which I now send you a duplicate. [C.O. 29, 15. pp. 241, 242.]

1731.

Nov. 17.
Whitehall.

499. Mr. Popple to Governor Belcher. My Lords Commissioners command me to acknowledge the receipt of letters *etc.* of the 1st, 12th, two of 21st and 24th of June, 12th 13th and 26th July, and 20th, 21st, 27th and 31st of Aug. last, and to desire you will be punctual in your correspondence wth. them, and give them constant accounts of wtever occurrences shall happen in your Governmts. *Acquaints him* with proceedings upon his dispute with Lt. Gov. Dunbar (Nov. 4th). *Continues:* In the mean time my Lords can by no means approve of your having forbid the Capt. of Fort William and Mary to suffer H.M. Lieut. Governor to enter that fort, unless he divests himself of all authority, and desires admittance only, as a private gentleman; But as this dispute now lies before His Majesty, my Lords will not at present say any more upon ye subject. His Majesty has been pleased to refer an Address from the Assembly of the Massachusets Bay *etc.*, wherein they desire a repeal of your 16th and 30 Instruction *etc.* But their Lordps. who have heard what Mr. Wilks, Agent for the Province, had to offer upon this occasion, can by no means agree to any alteration in either, and have reported their opinion accordingly *etc.* (v. 4th Nov.). His Majesty having likewise refer'd to this Board 18 acts pass'd in the Massachusets Bay in 1731, they are now under consideration, and their Lordships will soon report thereupon. The matter in dispute concerning the lands to the eastward of Kennebeck is likewise under consideration, and their Lordships propose very shortly to lay their opinion before H.M. concerning it. My Lords do not mention anything particularly relating to your salary; H.M. having graciously been pleas'd to allow your receiving what the Assembly have already voted for you. But as this is to be no president for the future, you will do well to use your utmost endeavours to induce the Assembly to comply with the King's request. The people of New Hampshire having in their Address to my Lds. Commissioners complained of some hardships they lye under for want of ye appointment of officers and ye holding of Courts, I am commanded to send you a copy thereof for your answer thereto. There being six vacancies in the Council of New Hampshire, my Lords Commissioners have recommended Benning Wentworth, Richd. Waldron, Anth. Reynolds, Benjn. Gamblin, Theo. Atkinson, and Joshua Peirce *etc.*, and have likewise proposed that the Lieut. Governor for the time being shall always be of yt. Board *etc.* The eight New Hampshire acts, which you transmitted 5th Dec. 1730, not being under the seal as they ought to have been, according to your Instructions, cannot be taken notice of, as authentick laws; and therefore I am to desire you will send other copies, and under the seal of that Province. [C.O. 5, 917. pp. 15-18.]

1731.

Nov. 17.
Whitehall.

500. *Same* to Lt. Governor Dunbar. *Acknowledges* letters *etc.* of 17th Nov. and 2nd Dec. 1730, and 4th June, 11th, 14th and 15th July, and 18th and 20th Aug. last. My Lords desire you will be punctual in your correspondence with them, and give them constant accts. of whatever occurrences shall happen. *Repeats gist of paragraph in preceding relating to dispute with Governor Belcher, and concerning lands E. of Kennebeck; also concerning Address from N.H. about holding Courts, and recommendation of six Councillors.* [C.O. 5, 917. pp. 19–21.]

Nov. 18.
Whitehall.

501. Mr. Popple to Governor Johnson. My Lords Commissioners for Trade and Plantations have commanded me to acknowledge the receipt of your letters of the 26th of March and 13th of August last, and to desire you will continue to give them constant accounts of all transactions during your Government. By your letter of the 26th of March you inform the Board, that you have allowed the Assembly to appoint their own clerk, until H.M. pleasure shall be known upon that head. But I am commanded to acquaint you that in this Kingdom H.M. always appoints the clerks to the House of Commons, and as by your 14th Instruction, you are not to allow the Assembly any greater privilege than is claimed by the House of Commons here, you are for ye future to insist upon H.M. prerogative in naming all his officers; and accordingly to name him yourself. I am commanded to desire you will transmit to my Lords authentick copies of all laws pass'd by you, and of all other publick proceedings. [C.O. 5, 401. p. 19.]

Nov. 18.
Whitehall.

502. Mr. Popple to Mr. Sharpe. Presses for reply to 4th Nov. [C.O. 5, 1366. pp. 80, 81.]

Nov. 23.
Whitehall.

503. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report thereon *Signed*, Jo. Vernon. *Endorsed*, Reed. 1st Jan., Read 4th May, 1732. 1½ pp. *Enclosed*,

503. i. Petition of Joseph, Viscount Micklethwait and Francis Whitworth to the King. Petitioners have obtained several Orders of Council directing the Governor and Council of Barbados to examine and settle their accounts and to recommend to the Assembly the immediate payment thereof. The Governor in Council accordingly found by proper vouchers *etc.* £2823 16s. 9d. to be owing to them, and recommended to the Assembly the making a speedy provision therefor. But the Assembly desiring to have the accounts laid before them, the Governor refused to do it till he should receive H.M. commands thereon *etc.* *Pray* that he may be directed to lay said accounts before

1731. [503. i]

the Assembly, and recommend also to them the payment of what has since grown due *etc.* *Signed*, Micklethwait, Francis Whitworth. *Copy.* 3 pp. [C.O. 28, 23. ff. 19-21, 22v.]

Nov. 23.
Whitehall.

504. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations draught of Instructions for the Governor of S. Carolina about the settlements of Swiss Protestants, to be altered in accordance with the directions given them at this Board. *Signed*, Ja. Vernon. *Endorsed*, Recd. 26th, Read 30th Nov., 1731. $\frac{3}{4}$ p. [C.O. 5, 362. ff. 44, 45v.]

Nov. 23.
Whitehall.

505. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 26th Nov., Read 1st Dec. 1731. $1\frac{1}{4}$ pp. *Enclosed*,

505. i. Petition of Patrick Blake, of St. Kitts, and Martin Blake his son, 17, heir apparent of his wife, Mary Ann, decd. Andrew Bodkin, father of Mary Ann, died, 1689, seized in fee of a valuable plantation in the English quarter of St. Christophers. Mary Anne his only child being then only three or four years old and the island in great confusion, Andrew Thauvet got possession of said plantation by virtue of some grant from some Governor. In 1714, Mary Anne having inter-married with Patrick Blake, they recovered possession by judgment of law *etc.* But lately one Augustus Boyd of the said Island Gent. brought an ejectment as heir of Thauvet decd., pretending that Andrew Bodkin went away with the French from the island in 1689, when the French quarter was conquered by the English, and that therefore he can recover the plantation by virtue of an act of 1712 *for settling the estates and titles of the inhabitants*, it being thereby enacted that all the lands in the English quarters of any Frenchman or woman who quitted or deserted the same upon our retaking the island, and went off with the other French subjects *etc.* were forfeited to the Crown *etc.* *Quote* Sir E. Northey's adverse opinion of this Act, which was unconfirmed. In 1718 an act was passed providing that such natural born subjects who had been in rebellion and their heirs pretending title to any lands so forfeited having first obtained license from under the Great Seal might within two years after the date of that act but not after prosecute their claim in any Court of record in the island. But a clause was added that the same should not be in force until H.M. pleasure should be known. Mary

1731. [505. i]

Anne being of so tender age at her father's death knew nothing of his conduct, nor are petitioners acquainted therewith, otherwise than that they have been credibly informed that he was never in any rebellion, but being supposed to be a Roman Catholick was at that time seized with many other persons of that perswasion by some of the English and by them involuntarily sent away to some French or Spanish island where he soon after died for want *etc.* But it will be very difficult to prove the circumstances of his case at that time, and if Boyd can only prove that Bodkin was gone off the island and the act of 1712 should be deemed in force petitioners may be on the trial in March next in great danger of being divested and evicted of their inheritance *etc.* The act of 1712 was a breach of Governor Douglas' instructions, being of an extraordinary nature and having no clause suspending its execution until H.M. pleasure be known. It is also repugnant to the laws of Great Britain, which are always calculated to secure the properties and especially the freeholds of British subjects. *Pray that said Act may be rejected. Copy. 7 pp.* [C.O. 152, 19. ff. 75-79, 80v.]

Nov. 23.
Whitehall.

506. Order of Committee of Privy Council. Approving representation of the Council of Trade and Plantations upon Act of Jamaica *for raising several sums etc.*, 25th Aug. last (*q.v.*), and ordering that Instructions be prepared for the Governor of Jamaica and for the Governors of the several Colonies in America as therein proposed. *Signed*, Ja. Vernon. *Endorsed*, Reed. 29th, Read 30th Nov., 1731. $2\frac{1}{3}$ pp. [C.O. 137, 19. ff. 95-96v.]

Nov. 23.
Whitehall.

507. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Reed., Read 1st Dec., 1731. 1 p. *Enclosed*,

507. i. Petition of Ralph Noden, in behalf of himself and the rest of the merchants of London trading to America and in particular to Bermuda, and in behalf of the inhabitants of Bermuda, to the King. Since the removal of the Independent Company to New Providence in 1730, the negroes, who are much more numerous than the white people, have destroyed many of H.M. subjects by poyson, and many more are now lingering under that misfortune, whose lives are dispaired of, some of the actors of this horrid villany have been discovered, convicted and publicly punished, but still continue to meet in numbers in

1731. [507. i]

a most mutinous manner, conceived to be with an intent utterly to extirpate and destroy your Majesty's subjects in that Collony, the consequence whereof would prove fatall to the whole trade of your Majesty's Dominions in America *etc.* The insolence of the negroes was never known whilst the Independent Company remained there, but kept them in due subjection, and were esteemed the greatest preservation to that Collony in defending it from rebellion within, and insults from enimies and pirates from abroad *etc.* *Prays that it may be ordered back. Signed, Ra. Noden. Copy. 2 pp. [C.O. 37, 12. ff. 76-77v., 80v.]*

Nov. 23.
Whitehall.

508. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* letter he has received from the Governor of Newfoundland (*v.* 1st Oct.), "by which you will find the difficulty there is, to settle good order and government among H.M. subjects there, which seem to arise chiefly from the interfering, that is pretended to be, between the powers given by act of Parliament to the Fishing Admirals, and by the King's Commission to the Justices of the Peace; I also send you a copy of the report made by Mr. Attorney General explaining how the law stands in this particular" *etc.* (*v.* 1st Oct.). *Continues* :—You are to report to His Majesty what in your opinion is proper to be done to remedy this evil, and the other inconveniencies mentioned in Capt. Clinton's letter. *Signed, Holles Newcastle. Endorsed, Recd. 24th Nov., 1731, Read 9th March, 1731½. 1 p. (For enclosures v. 1st Oct.). [C.O. 194, 9. ff. 89, 94v.]*

Nov. 24.
Whitehall.

509. Duke of Newcastle to the Council of Trade and Plantations. I have laid before the King the Representation of the Assembly of Barbados *etc.* (*v.* 27th Aug. *supra*). *Continues* : His Majty., having very much at heart the improvement of the commerce of His subjects, and particularly that branch of it, that relates to H.M. Plantations, and being desirous to have a more perfect account of this matter, has commanded me to signify his pleasure to you, that you should lay a state of it before His Majty., taken from the best informations that you shall be able to procure : And His Majty. would have you inform yourselves, with as much despatch as possibly you can, how effectual the several proposals, made by the Assembly, may be towards attaining the desired end, and whether any, or what inconveniences may arise, from putting all or any of them in practice, to His Majty.'s Northern Colonies, and to the Trade and Navigation of this Kingdom, or any other of His Majty.'s Dominions : of all which it is the King's pleasure that you should forthwith make your report to His Majty., with

1731. [509]
your opinion, upon each particular ; and that you should also suggest such other expedients, if any shall occur to you, as you think proper for this purpose. I have also laid before His Majty. the representation to yor. Lops. from the Lieut. Governor, Council and Assembly of the island of Antigua *etc.*, and His Majty. has commanded me to referr it likewise to your consideration. *Signed*, Holles Newcastle. *Endorsed*, Reed. 26th Nov., Read 1st Dec., 1731. $1\frac{1}{2}$ pp. [C.O. 28, 22. ff. 134, 134v., 135v.]
- Nov. 24. **510.** Mr. Fane to the Council of Trade and Plantations. In reply to enquiry from Mr. Popple, is of opinion that upon the expiration of a temporary act, repealing a clause in an act of the Massachusetts Bay, that clause revived again. This has been determined to be the constant construction in cases of the like nature here *etc.* *Signed*, Fran. Fane. *Endorsed*, Reed. Read 24th Nov., 1731. 1 p. [C.O. 5, 873. ff. 257, 258v.]
- Nov. 25. **511.** Order of King in Council. Repealing Act of New St. James's. Jersey *concerning the acknowledging and registering deeds and conveyances etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 15th Aug., Read 7th Sept., 1732. $1\frac{3}{4}$ pp. [C.O. 5, 972. ff. 233, 233v., 238v.]
- Nov. 25. **512.** Order of King in Council. Repealing Act of New St. James's. Jersey *for shortening of law-suits etc.* *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [C.O. 5, 972. ff. 234, 234v., 237v.]
- Nov. 25. **513.** Order of King in Council. Repealing Act of New St. James's. Jersey *for the frequent meeting and calling of the General Assembly etc.* *Signed and endorsed as preceding.* $1\frac{3}{4}$ pp. [C.O. 5, 972. ff. 235, 235v., 236v.]
- Nov. 25. **514.** Order of King in Council. Repealing Act of Jamaica St. James's. *for the better regulating slaves etc.* *Signed and endorsed as preceding.* $1\frac{3}{4}$ pp. [C.O. 137, 20. ff. 33, 33v., 37v.]
- Nov. 25. **515.** Order of King in Council. Repealing Act of Virginia, St. James's. 1726, *for the more effectual preventing the bringing tobacco from North Carolina and the bounds in controversy.* *Signed*, Ja. Vernon. *Endorsed*, Reed., 15th Aug., Read 7th Sept. 1732. $1\frac{2}{3}$ pp. [C.O. 5, 1323. ff. 5, 5v., 9v.]
- Nov. 25. **516.** Order of King in Council. Repealing Act of Virginia, St. James's. 1705, *against importing tobacco from Carolina and other parts without the Capes of Virginia.* *Signed and endorsed as preceding.* $1\frac{2}{3}$ pp. [C.O. 5, 1323. ff. 6, 6v., 9v.]

1731.
Nov. 29. **517.** Order of King in Council. H.M. having approved of a new seal for New Jersey (*v.* 1st July), the Council of Trade are to prepare a draught of a warrant empowering the Governor to use it *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 11th, Read 14th Dec., 1731. 1 *p.* [*C.O.* 5, 972. *ff.* 226, 231*v.*; and (*endorsed*, Recd. 15th Aug., Read 7th Sept., 1732). *ff.* 239, 244*v.*]
- Nov. 29.
St. James's. **518.** H.M. Instructions to Lord Baltimore. [*C.O.* 5, 192, *ff.* 605-637.]
- Nov. 30.
Whitehall. **519.** Council of Trade and Plantations to the Committee of the Privy Council. Enclose following. *Annexed*,
519. i. H.M. Additional Instruction to Governor Johnson empowering him, under conditions specified, to grant the Sieur Jean Pierre Purry and his heirs 12,000 acres in South Carolina, subject to the usual quit-rent after 10 years *etc.* [*C.O.* 5, 401. *pp.* 20-23.]
- Nov. 30.
Whitehall. **520.** Council of Trade and Plantations to the Committee of the Privy Council. In pursuance of order of 23rd inst., enclose following. *Annexed*,
520. i. H.M. Additional Instruction to Governor Hunter. Whereas by Our Additional Instruction to you, 13th Nov., 1727, you was strictly forbidden to give your consent to any law, upon any pretence whatsoever, imposing a tax upon negroes imported into Jamaica or landed there for refreshment only; and whereas notwithstanding you did in Feb. last give your consent to an Act *for raising several sums etc.*, laying duties on negroes imported and exported *etc.*, and a duty on convicts imported, in direct opposition also to the Act of Parliament *for the further preventing robbery etc.*, which extends to all our Plantations in general: We cannot but express Our great dissatisfaction at these your proceedings, and do command you upon pain of Our highest displeasure, and of being recalled from that Our government, to adhere more strictly to your Instructions for the future; and we do absolutely forbid you to give your assent to any law imposing duties upon slaves imported into Jamaica, payable by the importer, or upon any slaves exported that have not been sold in the island and continued there for the space of twelve months. It is Our farther will and pleasure that you do not give your assent to any act whatsoever for imposing duties on the importation of any felons from this Kingdom into Jamaica.
520. ii. H.M. Additional Instruction to Governors of H.M. Plantations in America. It is Our will and pleasure

1731. [520. i]
that you do not give your assent to or pass any law imposing duties *etc. as concluding paragraph of preceding.* [C.O. 138, 17. pp. 350-354.]
- Nov. 30. **521.** Mr. Willard to Mr. Popple. Encloses Minutes of Council of the Massachusetts Bay for half year ending Aug., and of Assembly, May 26—9th Nov., with the Acts passed in that time. The Treasurer's accounts are not yet pass'd the Court *etc.* Signed, J. Willard. Endorsed, Recd. 17th Jan., 173½, Read 23rd Feb., 173¾. ¾ p. [C.O. 5, 875. f. 37, 40v.]
Boston.
- Dec. 1. **522.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 3 Acts of Bermuda, 1731;—(i) *to prevent Attorneys defending titles of lands and tenements without giving security to make good costs and damages*; (ii) *for the attaching the goods or effects of any persons inhabitants or others not residing upon these islands*; (iii) *to supply the deficiency of several funds etc., and defraying the charges of the Government.* [C.O. 38, 8. pp. 159.]
Whitehall.
- Dec. 1. **523.** Mr. Popple to John Sharpe. My Lords Commrs. desire to speak with you to-morrow morning, relating to a petition from Mr. Blake, of St. Christophers, against an act passed there in 1712 *for settling the estates and titles of the inhabitants etc.*
Whitehall. N.B. A like letter was writt to Mr. Matthew. [C.O. 153, 15. p. 114.]
- Dec. 2. **524.** *Same* to Mr. Fane. Encloses act of St. Christophers, 1719, *for the general quiet of the inhabitants in their estates and possessions, and for avoiding vexatious suits at law. Reminds him of reference of act for settling estates etc. (v. preceding and 10th Nov., 1730). Continues:* Upon these acts my Lords desire, you will hear the parties concern'd, and let my Lords have your opinion in point of law, whether the first mentioned act is now in force, and whether, if it is in force, it is proper to be confirmed? Whether the last mentioned act does not effectually answer the purpose of the first, and whether it is free from the objections to which the first was lyable *etc.* Encloses Sir E. Northey's objections to it. [C.O. 153, 15. pp. 114, 115.]
Whitehall.
- Dec. 1. **525.** *Same* to Samuel Forster. My Lords Commissioners observing that when you attended the Board, 25th Aug. last, you did acquaint the Board that the perquisites of the Governor of Barbados, who presides in the Court of Chancery, and is Ordinary, Vice Adml. *etc.*, were computed at about £2000 pr. annum " *etc.*, desire you will inform them as soon as may be, and in the most exact manner you can, how that summ is computed. [C.O. 29, 15. pp. 242, 243.]
Whitehall.

1731.

Dec. 3.

Londo.

526. Petition of Capt. George Phenney to the Council of Trade and Plantations. Appointed Surveyor General of the Customs for the Southern District of America, *prays to be made* a member of the several Councils of that district, like his predecessors, and, in regard he intends his residence in Virginia *etc.*, hopes the Board will direct that there be no further appointmt. of any Councillor in Virginia untill the number be under twelve *etc.* *Endorsed*, Recd. 3rd, Read 8th Dec., 1731. 1 p. [C.O. 5, 1322. ff. 192, 193v.]

Dec. 3.

527. R. Mountague to the Council of Trade and Plantations. The Bahama Islands are much exposed to the Spaniards and are in a manner the key to the trade of those parts. The reasons given for the removal of the Company from Bermuda thither, will equally hold good for their continuance there *etc.* *Signed*, R. Mountague. *Endorsed*, Recd. Read 3rd Dec., 1731. 3 pp. [C.O. 23, 2. ff. 257v.-258v.]

Dec. 4.

Boston.

528. Governor Belcher to the Council of Trade and Plantations. Altho' I receive the honour of very few from your Lordships, yet in obedience to H.M. commands, I am constantly doing my duty, in laying before H.M. Secretary of State, and before your Lordships what relates to the Provinces under my Government *etc.* *Continues as in letter to Duke of Newcastle, 9th Dec. q.v.* Has communicated to the Representatives H.M. Additional Instruction to him respecting his support. Has no expectation of their granting it in any other manner than as they have now done. *Continues* :—With great deference and submission to your Lordships, since they seem to be come to a full point and stand in the matter, is it exactly agreeable to the great honour and dignity of the Crown to be urging upon an Assembly what they have so often, and so publicly deny'd *etc.*? I am much concern'd that I have no answer from your Lordships respecting the affair of the Treasury of this Province, the want whereof I am afraid will tend to great confusion in this Government; all the ships expected from England this season being arriv'd, I can't hope to hear anything from your Lordships on this head till March next, and your Lordships must be sensible how difficult it will be for this Government to subsist to that time without one shilling in the Treasury *etc.* *Replies to enquiries of 10th June last* :—As to the Massachusetts Province I find no laws in force for the encouraging manufactures of the country, excepting two, one encouraging the raising of hemp (made the 12. G.I.) which gives a bounty of 29/- for every 112 lb. brought to the market, and 7 pr. cent. more in case the quantity of 224 lb. be raised by one person at one time. The other (made the 1 and 2 of G. II.) to encourage the raising of flax, and gives a bounty of 18/8d. for every 112 lb. brought to the market, and

1731. [528]

4/8d. pr. cent more in case the quantity of 224 lb. be raised by one person at a time ; Besides the abovementioned act there is also a resolve for allowing a bounty of 20/- to all persons (and 10/- more to John Powel the first undertaker) for every peice of duck or canvas by them made under such qualifications as in the said resolve is particularly expresst (which were past the 12 of G. I. and 1 of G. II). There are some other manufactures carry'd on here, as the making of brown holland, for woman's ware, and makes the importation of callicoes and some other India goods so much the less. Some small quantities of cloth made of linnen and cotton for ordinary shirting and sheeting. About three years ago, a paper mill was set up which makes about £200 str. a year of that commodity ; There are several forges for making of barr-iron, and some furnaces for cast iron (or hollow-ware), and one slitting mill, the undertaker whereof carrys on the manufacture of nails ; As to the woolen manufacture, there is no law here to encourage it, and the country people who us'd formerly to make most of their cloathing out of their own wool, don't now make a third part of what they wear, but are mostly cloath'd with British manufactures. As to the Province of New Hampshire, the only laws that I find affecting the trade, navigation, or manufactures of Great Britain are, an act (pass'd many years ago) imposing a duty (for the supply of H.M. Fort William and Mary *etc.* with powder) on all shipping not own'd within the home, which duty is one pound of good gunpowder (or two shillings) a tun. Another act, *for encouraging iron-works*, which prohibits the exportation of iron ore *etc.*, was also pas't many years since, in favour of some works set up by the late Leiut. Govr. Wentworth, Mr. George Jeffries (one of H.M. Council) and others. But I think those works are at present under discouragement for want of a sufficiency of ore and proper workmen. The woolen manufacture is much less than formerly, the common lands on which the sheep us'd to feed being now divided into particular properties, the number of them is much reduc'd, and the people almost wholly cloath'd with woolen from Great Britain. The manufacturing of flax into linnen (some coarser some finer) daily increases by the great resort of people from Ireland into this Province, who are well skill'd in that business. The chief trade of the Province continues (as for many years past) in the exportation of masts, yards, bowsprits, boards, staves and rafters for England, But principally to Spain and Portugall, and some to the Charibbee Islands, with lumber, and refuse fish, and the better sort of fish [*to ?*] Spain, Portugal, Italy *etc.*, some sloops and other small vessels go in the winter (with English and West India goods) to Virginia, Maryland and Carolina, and return with corn and flesh. This is the best information I can give in these articles at present, and your Lordships will be the best judges how far these things do or

1731.

[528]

may affect the trade, navigation or manufactures of Great Britain, and as I learn anything new worth your Lordships notice, I shall faithfully transmit it; and in the meantime wou'd observe to your Lordships that none of the laws mentioned have been made in either Province, since my arrival to the Governments, and I shall take care not to give my assent to any law that may interfere with H.M. royal instructions *etc.* P.S. I now cover to your Lordships what passed in the last session of the Assembly at N. Hampshire. *Signed, J. Belcher. Endorsed, Reed. 21st Jan., Read 1st Feb., 173½. 7 pp. Enclosed,*

528. i.-iii. Journal of the House of Representatives, Boston, 3rd Nov.—4th Dec. 1731. *Endorsed, as preceding. Printed, by Thomas Fleet. 15 pp. [C.O. 5, 874. ff. 22–25v., 26v., 28–31v., 32v.–36v. (with abstract).]*

Dec. 4.

529. Governor Hunter to the Dukê of Newcastle. Two days ago I reced. the honor of your Grace's duplicate of the 16th of Sept. last by a Bristol ship (the originals being not yet arriv'd) and shall as I have ever done punctually obey all H.M. commands. I enclose your Grace an Address from the Council and likewise one from the Assembly which they most humbly desire may be lay'd before H.M., and also the title of two acts pass'd this last session, the acts themselves I shall transmitt to the Lords of Trade so soon as they can be got ready. I hope I shall soon be able to write to your Grace more fully when a little recover'd from my present indisposition, there being some other vessels to sail for England in a short time *etc.* P.S. The Grand Party march'd out from Port Antonio the 26th ulto., but as yet I have had no other particular advices from them. *Signed, Ro. Hunter. Endorsed, R. Feb. 10. 1½ pp. Enclosed,*

529. i. Titles of Acts passed last Session. (i) *for the further quieting possessions and regulating resurveys,* (ii) *for the better preserving of the records in the several publick offices of this island supplying and remedying defects in the several former laws for preventing fraudulent deeds and conveyances, and recording old wills in a prefix'd time. ½ p. [C.O. 137, 53. ff. 404, 404v., 405v., 406.]*

Dec. 6.
Whitehall.

530. Mr. Popple to Lt. Gen. Mathew. (*In pursuance of 10th June and 12th Aug.,*) *enquires* whether Michael Smith is President of the Council of Nevis, and if so, whether John Richardson, who is placed before him in the King's Instructions to the Capt. Gen. as a Councillor at Nevis, is dead *etc.* [C.O. 153, 15. pp. 115, 116.]

Dec. 6.
Boston.

531. W. Shirley to the Duke of Newcastle. The gratitude due to yr. Grace for the protection wch. yr. Grace's letter has afforded me in this distant part of the world, as well as the

1731. [531]

justice due from me to H.E. Governor Belcher in acknowledging the civilities, wch. I have reciev'd from him on acct. of yr. Grace's recommendation, will, I hope, sufficiently excuse me to yr. Grace for troubling you wth. a letter from these parts, where I am lately arriv'd with my family, and shall make it the chief buisness of my life to indeavour to merit that notice, wth. which yr. Grace has been pleas'd to honour me. I have had yet but a short acquaintance wth. my countrymen in America; But it is no small recommendation of their good sense to me, yt. they think it part of their happiness, yt. they are within yr. Grace's province, and I have often with much pleasure, since my arrival among 'em, heard 'em mention that distinguishing part of your Grace's character yt. the honours and wealth, wch. the generality of first Ministers seek to obtain by means of their publick stations, yr. Grace brought along wth. you into the service of yr. country *etc.* P.S. At H.E.'s desire Mr. Belcher his youngest son has the honr. to deliver this into yr. Grace's hands. *Signed, W. Shirley. Holograph. 2 pp.* [C.O. 5, 898. No. 99.]

Dec. 7.
Jamaica.

532. Governor Hunter to the Duke of Newcastle. Having a small release from my indisposition I think it necessary with the duplicates of what I sent by the *Catherine*, to acquaint your Grace that I had no other share in the resolution of sending the two regiments to this island then the representing according to my duty the impotence under which it suffers of defending its self even against their own slaves in rebellion, not to mention invasion from abroad, the apprehension of which I hope is now over, and I wish what I then affirm'd may not be soon verified by some unhappy instance. I knew nothing of that message of the Assembly 'till I saw it in the Minutes of the day and the Council assur'd me that looking upon 't as nothing but an artifice to obstruct publick affairs at that time, and carry'd by surprise, they thought it best to take no notice of it, for messages and replys of that kind seldom serve to any other purpose. I have discours'd with the Commanding Officers about the best methods to put H.M. gracious intentions in execution so soon as the orders shall arrive, and they'll acquaint the Commanding Officers in the several quarters all over the Island with the same as soon as they can. The Grand Party *etc.* (from Port Antonio order'd out against the rebels) was on the 29th of last month at a place call'd the Brest Work near half way to their chief settlement. The other partys on this side the island, viz. from Clarendon and St. Elizabeth's are also order'd out on the same service on this side in conformity to the act of Assembly and by the advice of the Council. It will be impossible to meet the Assembly till the Christmass holydays are over, for these being play days of their slaves, they can not leave their Plantations without danger. I assure your Grace,

1731.

and I believe the Officers themselves will do the same, that I have left no thing undone that was in my power to do, to make them easie, I have sacrific'd my own health and ease to procure theirs, and shall never grudge that or any other pain where I think I may be of use to H.M. service. I am with the deepest sense of gratitude and honor, My Lord, Your Grace's most humble and most faithfull servt. *Signed*, Ro. Hunter. *Endorsed*, R. Feb. 14th. 1½ pp. [C.O. 137, 53. ff. 408-409v.]

Dec. 7.
Whitehall.

533. Council of Trade and Plantations to the Committee of the Privy Council. Enclose following, in pursuance of Order of 7th July. *Annexed*,

533. i. Draft of Additional Instruction to Lt. Governor Pitt, authorizing him to recommend in H.M. name to the Assembly of Bermuda the payment of an additional salary to him in lieu of whale licences *etc.* v. 6th March, 1730 and 7th July, 1731. [C.O. 38, 8. pp. 161-163.]

Dec. 8.
Whitehall.

534. Council of Trade and Plantations to the Committee of the Privy Council. *Representation* in reply to Order of 23rd Nov., on petition for return of the Independent Company from New Providence to Bermuda; We have been informed that the negroes at Bermuda have lately poisoned several of the inhabitants and have frequently formed themselves in small parties which have put the inhabitants under the apprehension of an insurrection. We are likewise informed that a Spanish ship from Porto Rico came in Aug. 1730 with a design to land men to plunder these islands but was blown off the coast by a storm and that none of these things had happened during the time that the Independent Company which was sent there by King William remained on the islands. With regard to the Bahamas *etc.*, besides the Bermuda Company lately removed thither whose compliment is 49 men, there is another Independent Company of H.M. forces there which ought to consist of 100 men. But we are informed that neither of those companies are compleat, and that there have not been above 100 men in both the Companies together since the arrival of the Bermuda Company at the Bahamas. And although an Additional Independent Company may be necessary at Providence, yet considering their present fort will not as we are informed contain more than 100 men, and that should the Bermuda Company be sent back and the Bahama Company effectually compleated to that number, the Bahamas would not be in a worse condition nor more exposed than they have been since the Bermuda Company has been there, We therefore are of opinion that it may be for H.M. service to order the Bermuda Company to those islands again. [C.O. 38, 8. pp. 163-165.]

1731.

Dec. 7.

535. Lt. Genl. Mathew to Mr. Popple. Upon the death of John Richardson Esqr., Mr. Smith being plac'd next in His Majesty's Instructions became President of Nevis, and therefore when I came thence I delivered to him the seals. *Signed*, William Mathew. *Endorsed*, Reed. 7th, Read 8th Dec. 1731. [C.O. 152, 19. ff. 82, 85v.]

Dec. 8.

St. James's.

536. Order of King in Council. Approving drafts of Instructions for Governor Hunter and all the rest of H.M. Governors in America, to prevent the passing of acts paying duties on negroes and convicts imported. *Signed*, Temple Stanyan. 2 pp. [C.O. 5, 195. ff. 122, 122v.]

Dec. 10.

St. James's.

537. H.M. Instructions described in preceding. *Signed*, G. R. 4 pp. [C.O. 5, 195. ff. 124-125v.]

Dec. 9.

Boston.

538. Governor Belcher to the Duke of Newcastle. Returns thanks for H.M. instruction for his taking the money voted by the Assembly, and "for the kind part you was pleas'd to act in this matter" *etc.* *Encloses* Journal of Representatives up to the present *etc.* *Continues* :—I am sorry to say I have no expectation of the Assembly's supporting me in any other manner than according to their last grant. Yet your Grace may be assured that I shall go on in a strict observance of all H.M. royal Instructions, nor have I any reason to believe a faithfull servant to the King will finally suffer for his fidelity, *etc.* *Signed*, J. Belcher. 2 pp. [C.O. 5, 898. No. 100.]

Dec. 9.

Whitehall.

539. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following* for their reprt. *Signed*, Holles Newcastle. *Endorsed*, Reed. 15th Feb. (*sic*), Read 13th April, 1732. 1 p. *Enclosed*,

539. i. Petition of Governor Jencks to the King. Newport, Rhode Island. Aug. 20th, 1731. I have at all times endeavour'd steadily to observe your Majesty's royal Instructions *etc.* and shall ever account it my duty to have the like regard to further directions *etc.* *Refers* to the Act passed by the General Assembly of Rhode Island for emitting bills of credit (*v. supra*, 2nd Sept.), notwithstanding the great endeavours used to prevent it both by himself and many of the inhabitants *etc.* *Continues* : Several of the said inhabitants apply'd themselves to the Secretary of this Colony for a copy of the aforesaid act, with several other copies in order to send them to your Majesty *etc.* The Secretary sent to me for an order for affixing the Colony seal thereto, and to certify his good faith *etc.* But it was no sooner known to two of the Members of our General Council, gentlemen desirous

1731.

[539. i]

of popularity and to be accounted the prime Agents in preserving of our Charter priviledges, but they caus'd the news thereof to spread throughout the Colony, declaring that the Governr. had endanger'd the loss of our Charter by ordering the Colony seal to be set to a complaint against the Governmt. in order to be sent to your Majesty; the which action of theirs has occasioned me much trouble, and hath caused many of the inhabitants to be highly displeas'd with me. Indeed I am ashamed that I shou'd be laid under a necessity to trouble your Majesty with a matter of so inferiour a nature, but for my own just vindication I am oblig'd hereto *etc.* *Prays for H.M.* determination upon three particulars :—(i) Whether any act passed by the General Assembly of this Colony may be judg'd valid, the Govenr. having enter'd his discent from it at the time it was voted. (ii) Whether he may with safety disallow or refuse setting the Colony seal to copies taken out of the Secretary's Office and attested by him in order to be sent to your Majesty. (iii) Whether it be the Governor's duty to examin all such copies before he orders the Colony seal to be set thereto, the Secretary which attests them being an Officer under oath. *Concludes :* Your Majesty's royal determination hereon will with great thankfullness be accepted both by myself and many others of your Majesty's good subjects, and I humbly pray that it may be as soon as your Majesty's more weighty affairs may admit, I having given the Governmt. at our last election publick notice that I shou'd serve them no longer than this year, *etc.* *Signed, Joseph Jencks. Endorsed as preceding. 2 pp.*

539. ii. Petition of several Gentlemen, Merchants, Tradesmen and others. Inhabitants of Rhode Island within the Colony of Rhode Island and Providence Plantations to the King. Rhode Island in New England, Aug. 30, 1731. Wee your Majesty's most dutiful and loyal subjects humbly crave leave in behalf of ourselves and others inhabitants within this Colony to lay before your Majesty the great wrongs and grievances we have lain under and the damages we have sustain'd within these twenty years last past by the excessive emitting of bills of publick credit on this Colony and enforcing the same by several acts of our General Assembly to pass in payments in equal value with silver money since the beginning of the year 1710 to the beginning of May, 1731 *etc.* Before 1710 the currt. money of this and the neighbouring Governmts. in New England was silver money at 8s. pr. oz. But

1731. [539. ii]

since the said time this Colony having by their several acts of General Assembly caus'd to be made and emitted the sum of £195,300 in bills of publick credit of this Colony besides the £60,000 by the late act *etc.*, and by the said acts enforced them to be taken in paymts. in equal value to the silver money then current, by reason thereof the said silver money has been gradually rais'd to above 20s. pr. oz. in exchange for said bills *etc.* ; To prevent therefore the further emitting of more bills of credit petitioners did at the last sessions, May, 1731 *etc.* present a memorial from themselves and others, to the General Assembly setting forth our grievances and the great damages sustained not only by the inhabitants but also by the Merchts. of Great Brittain by the emitting of said bills, and praying the Assembly wou'd put a stop to the further emitting of such bills *etc.* *Describe subsequent proceedings ut supra*, 2nd Sept. After taking away their attested copies of proceedings and the act, the Assembly rejected their Memorial and ordered the Clerk to return it to them. *Continue* : All which proceedings we humbly concieve are highly derogatory to your Majesty's royal prerogative, the laws of Great Brittain and the right of your Majesty's subjects (i) in that by the said several acts the royal proclamation of 4th June, 1704, confirmed by the act of Parliament for *ascertaining the rates of foreign coins in H.M. Plantations* is eluded *etc.* (ii) for that the said acts are directly contrary to an Order in Council, 19th May, 1720, against the passing any laws whereby bills of credit may be issued without a suspensory clause *etc.* and the order sent thereupon to the Governor and Company in 1724 *etc.* ; (iii) for that said acts are disagreeable with your Majesty's late instructions to Jonathan Belcher, Governor of the Massachusetts Bay, ordering that the said Province (which by computation is eight times as large as our Colony) shou'd not have out in bills of credit at one time more than £30,000. All which was laid before the said Generall Assembly by your petitioners' council in pleading for the sd. memorial *etc.* *Transmit* their said memorial for H.M. wise and gracious consideration of the justice of their complaint and of the evils that must attend the Colony if not timely prevented by putting a stop to the emitting of more bills *etc.* *Continue* : One reason of the little hopes we have that an end shou'd be putt to emitting of bills of credit by our General Assembly or that justice shou'd be done as by them is that by an act made

1731. [539. ii]

May, 1728, the £40,000 emitted in 1715 was continu'd at interest for three years longer than by the first acts were limited, and by another act, June, 1728, the £40,000 emitted in 1721 is continu'd at interest for eight years longer than by the said act was at first limited, and that afterwards both the said banks of £40,000 each shall be sunk by payment of the principal in ten years at 10 p.c. every year without any interest, and that the £40,000 emitted in May, 1728, shou'd be under the same regulation, by which means the credit of said bills have been so much in value and the price of everything bought with them so rais'd, as must destroy the trade and ruin this Colony if not timely prevented. All which, Most Gracious Sovereign, we humbly crave leave to lay before your Majesty praying that out of your great wisdom and tender regard to your subjects in these parts of America, you will be pleas'd to lay your royal commands on this Government not to emit any more bills of publick credit and that the bills of credit already emitted be paid in according to the several respective acts whereby they were first emitted, that thereby an end may be put to our sorrows and the tranquility of this your Majesty's Colony re'established as in former times *etc.* *Signed*, Nathl. Kay, John Brown jr. and 17 others. *Same endorsement.* 3 pp. [C.O. 5, 1268. ff. 74, 80v., 91-93v., 94v.]

Dec. 9.
St. James's.

540. Order of King in Council. Approving draught of Additional Instruction to Governor Hunter and the other Governors, forbidding assent to duties on negroes imported and exported and convicts imported as proposed. Nov. 30 *etc.* *Signed*, Temple Stanyan. *Annexed*,

540. i. H.M. Additional Instruction to Govr. Hunter, referred to in preceding. (v. 30th Nov. *supra*). *Copy. Signed*, G. R. St. James's. 10th Dec. 1731. *Endorsed*, Duplicate sent to Mr. Smith, Secretary to the South Sea Company, who desired to forward one to Govr. Hunter *etc.* 1½ pp.

540. ii. H.M. Additional Instruction to the Governors of the Leeward, Bermuda and Bahama Islands, Virginia, Mass. Bay, New Hampshire, New York, New Jersey, So. Carolina, N. Carolina, Nova Scotia, Maryland, Pennsylvania, and the Governor and Company of Rhode Island, and of Connecticut. (v. 30th Nov. *supra*). [C.O. 137, 53. ff. 410, 410v., 411v. (*without Order*); and 324, 36. pp. 285-294; and 5, 195, ff. 243, 244, 247-250; and (*Order only*) 137, 20. ff. 34, 34v., 36v.]

1731.

Dec. 10.
Puding Lane.

541. Mr. Partridge to Mr. Popple. Encloses two copies of the case of the Northern Colonies (*v.* 20th Dec.), relating to the West India affair, as submitted to Parliament last Sessions, *etc.* *Concludes:* Pray forward the report upon ye New Jersie money act because it is not to be in force till it has ye royal assent. *Signed,* Thy lo. Friend, Rd. Partridge. *Endorsed,* Reed., Read 10th Dec. 1731. *Addressed. Sealed.* $\frac{2}{3}$ p. [C.O. 323, 9. ff. 83, 84-86v.]

Dec. 10.
Whitehall.

542. Duke of Newcastle to Governor Hunter. H.M. having been pleased to grant Alice Clayton pardon *etc.* *Encloses* copy of H.M. "warrant under the sign manual for her being inserted in the next General Pardon that should come out for the poor convicts of Newgate." *Signed,* Holles Newcastle. [C.O. 324, 36. p. 301.]

Dec. 10.
Whitehall.

543. Council of Trade and Plantations to the King. Upon Mr. Phenney's petition, propose that he be added in the room of Mr. Fitzwilliam, the late Surveyor Genl. of the Customs in the Southern District of America, to the Councils of Virginia and S. Carolina, which are Colonies within his district. "It hath been thought for the service of the Crown, that the Surveyor of the Customs should be a Member of the several Councils within his district. This was practised in the case of Mr. Phenney's predecessors, Col. Quarry and Mr. Fitzwilliam" *etc.* [C.O. 5, 1366. p. 81.]

Dec. 10.
Whitehall.

544. Order of Committee of Council. Upon the petition of John Yeamans, Agent for Antigua, that the instruction ordered 12th Aug. last to be prepared and inserted in Governor Cosby's instructions relating to the holding of the Courts of Chancery in that island, be forthwith prepared and sent to the Commander in Chief of the Leeward Islands, ordered that the Council of Trade and Plantations, forthwith lay the said instructions before the Committee. *Signed,* Temple Stanyan. *Endorsed,* Reed. 11th, Read 14th Dec., 1731. 1 p. [C.O. 152, 19. ff. 83, 84v.]

Dec. 10.
Whitehall.

545. Council of Trade and Plantations to the King. In obedience to reference of 12th Aug. have considered the 18 acts of the Massachusetts Bay, and consulted with Mr. Fane *etc.* *Recommend* them for H.M. confirmation. *Continue:*—Your Majesty was likewise pleased to refer to our consideration another act passed at the same time there, *for ascertaining the number and regulating the House of Representatives.* The reason for this act as set forth in the preamble of it is, "That by an act made and passed in the 13th year of His late Majesty, *for enlarging the pay of the members etc.*, the first clause in the act *for ascertaining the number and regulating the House of Repre-*

1731. [545]

sentatives, made in the 4th year of King William and Queen Mary, injoyning each town having 40 families to send a person to represent them *etc.*, was repealed, and no provision is made by law to oblige any town to send a Representative which may be found inconvenient." Upon which, we beg leave to acquaint your Maty. that ye abovementioned act, wch. repealed the said first clause, was a temporary law, and is expired, and that upon the expiracon of it, the said clause did revive again, and is now in force, which intirely destroys the reason given for this new law. We have also another objection to this new law, because it makes an alteration in ye aforementioned law, passed ye 4th of K. William and Q. Mary, confirm'd by ye Crown in 1695, and has not ye clause for suspending its taking effect, untill your Majesty's pleasure should have been declared thereon, according to your Majesty's 15th Instruction to your Governor *etc.*, and therefore we humbly beg leave to lay the same before your Majesty for your disallowance. [C.O. 5, 917. pp. 22-26.]

Dec. 12. **546.** Governor Cosby to the Council of Trade and Plantations. My Lords, being obliged to goe out of towne to-morrow morning for some time, prevents my waiteing onn your Lordps. to aquainte you that there is a vacancy in ye Councle of Antiego; I therefore take the liberty to recommend John Morris Esqr., who is a gentleman of that iland, and a very good intrest in it, a worthy honest man, much attached to ye present Govmt., very capable to be of the Councle, as there is a great many of the Councle of that iland onn this side, ye business is allmost at a stand. I therefore hope your Lordps. will be pleased to give all convenient dispatch to it. *Signed*, W. Cosby. *Endorsed*, Recd. 13th, Read 17th Dec., 1731. *Holograph*. 1 p. [C.O. 152, 19. ff. 87, 90v.]

Dec. 14.
Whitehall.

547. Order of Committee of Privy Council. After hearing the petition of Lord Percival *etc.*, upon the draught of the Charter for establishing colonies in America, refer the following points to the Council of Trade and Plantations. (i) For settling a western boundary to the said colony, and for ascertaining the distance of the islands upon the Eastern shore from the Continent. (ii) For fixing the number of acres proper to be granted to each person who shall settle there. Upon which points the said Lord Commissioners are to hear petitioners, and report their opinion thereon. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 17th Dec., 1731. 1½ pp. [C.O. 5, 362. ff. 48, 48v., 53v.]

Dec. 14.

548. Thomas Lowndes to the Council of Trade and Plantations. (Cf. Aug. 13, Oct. 26 *etc.*) In all parts of America (Islands as well as others) the *capias* was the original process.

1731. [548]

But whenever there came to be a great disproportion of slaves to white people, the summons was found necessary to be introduced, as in S. Carolina in 1713 *etc.* About 1726, after the merchants had given the planters very large credit, the planters in a very tumultuous manner got (by act of Assembly) the summons superseded. *Objects* also to an act being repealed only by some loose general words, without reciting the act *etc.* *Agrees* with Mr. Johnson as to abuses committed by the Provost Marshalls under the Lords Proprietors, who, for their Governour's emolument, always permitted them to nominate the Provost Marshall, who was accountable to the Governours for half profits or more, and therefore generally protected in unjustifiable practices. But now he has to give security, and will be obliged to the faithful execution of his office as elsewhere. For had the practices of the Provost Marshal been not to be remedied, after 13 years trial of the summons act, some mention of such ill behaviour would have been made in the act of 1726, which repeals the summons. "And Mr. Johnson takes no notice of the hazard of his life, that the Marshal now runs, in serving the *capias* out of Charles Town, the frequent rescues from the officer, how the negroes are let loose upon him, and he frequently wiped or drawn through a ditch, and all complaints upon this head are to no purpose, for legal proof cannot be made that it was by their masters order, tho' every one knows it could not be done without it. And these irregularities which cannot otherwise be prevented were the cause of the summons both in S. Carolina, Jamaica, Barbados and other places where the negroes are numerous." *Calls attention* to the proviso in the act of 1720, for the amendment of the law, whereby 30 days is allowed before execution on judgment shall be granted, if the party be brought into Court by summons, in which time it is hardly possible, but he must be apprized of what is going on against him, unless he be an Indian trader, "for whom I some time ago took the liberty to propose a remedy" *etc.* By the present *capias* act he is entirely deprived of the benefit of H.M. Letters patents for the officer of Provost Marshall. "The last part of Mr. Johnson's letter is very fallacious, for what use can it be to the merchants, that they may try the causes out of the precinct-courts where they may have fair juries, unless they can bring their debtors (the planters) into court, which five miles out of Charles Town they cannot do, unless the summons be restored. The real truth, My Lords, is that the greatest part of the planters being indebted to the merchants, Mr. Johnson is afraid of doing anything that may disoblige the planters, especially at this juncture, his appointment being by the country only granted for one year. I humbly conjure your Lordships to hear the act for the amendment of the law read, and then your Lordships will be convinced that nothing is desired, but what is absolutely

1731. [548]

necessary for the obtaining common justice. P.S. If the objection that the act for the amendmt. of the law, was passed by Govr. More, be allowed, several of the best acts will be void, and great confusion ensue in the Province." *Signed*, Tho. Lowndes. *Endorsed*, Recd. 15th Dec., 1731, Read 22nd Feb., 173 $\frac{1}{2}$. *Holograph*. 2 $\frac{3}{4}$ pp. [C.O. 5, 362. ff. 81-82v.]

Dec. 15.
Jamaica.

549. Governor Hunter to the Council of Trade and Plantations. To same effect as following. *Adds*: I have issued Proclamations for the Assembly's meeting on the third of January, which is as soon as they can meet, the members not daring to leave their plantations in the holydays whilst their slaves by custom are indulg'd their diversions *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 17th Feb., Read 12th Sept., 1732. 1 $\frac{3}{4}$ pp. [C.O. 137, 20. ff. 35, 35v., 35A.v.]

Dec. 15.
Jamaica.

550. Governor Hunter to the Duke of Newcastle. On Sunday last I had the news of our Grand Party from Port Antonio by three letters, copys of which I here inclose, one from Capt. Delamilliere who commanded the party, the other Major Ashworth, one of the Justices of Peace and Chief Commissary at Port Antonio, and the third from one Peters who formerly commanded the party that burnt the negro town, and now an overseer of the negros of the party, which is all the account I have as yet had of that disaster. *Refers to other enclosures. Continues* :—The floods at an unusual season, the indisposition of the soldiery which oblig'd me to send a reinforcement round, and other accidents of which I had the honor to inform your Grace had retarded their march; This is all the account I can as yet send of this unhappy affair. Immediately upon the receipt of these I assembl'd the Council and still keep them together, they are busied in concerting measures and means for a speedy new attempt to allay the general consternation of the inhabitants, and if possible whilst they have it more in their power than they may have hereafter to destroy that their chief settlement. *Encloses copies of his letters to the Commanding Officer and Magistrates etc. Continues* :—This goes by a Bristol ship which I have ventur'd to stop one day for that purpose, a London vessel which is to sail from hence in a few days may bring your Grace a more full and distinct account of the whole. My conduct may be misrepresented but I think it in no danger of being misunderstood or misconstrued, having to the utmost of my power and best of my judgement acted in everything for H.M. service and the good of that part of his people committed to my charge. P.S. Since the writing of what is above I have recd. the inclos'd representation from the Council here with their earnest request to have it forthwith transmitted to your Grace in hopes that it may help to give more light into and a clearer view of the state and circumstances

1731. [550]

of this island than these which have been of late transmitted from other hands. *Signed*, Ro. Hunter. *Endorsed*, R. Feb. 16th. 3 pp. *Enclosed*,

550. i. Governor Hunter's Orders to Capt. Bowen, Commanding the five Companies quartered at Titchfield. 25th July, 1731. To march against the rebel slaves in the N.E. part of the island, with four companies completed from the fifth *etc.*, and take under his command the 80 armed negroes and 80 baggage men who, according to the Act *for* rendering the two regiments more serviceable, are to repair to Titchfield. The magistrates, in accordance with the said act, are to provide guides *etc.* He is to advance to Brest Work and cut a communication path to it from Titchfield; leave some armed men in a barrack there for the reception of sick or wounded. *Signed*, Ro. Hunter. *Copy*. 2½ pp.

550. ii. Governor Hunter's Orders and Instructions for Capt. John Brooke, Commandant of the parties sent out against the rebel slaves *etc.*, 5th Sept. 1730. Detailed instructions as to methods of advance *etc.* *Copy*. 3¼ pp.

550. iii. Major Jasper Ashworth to Governor Hunter. Port Antonio, Dec. 7, 1731. *Announces* defeat of the party "at or near the place and surpriz'd in the same manner Soaper was in his first expedition, when Mackintosh's ear was cut off *etc.* *Refers* to the Captain's Journal for a particular account *etc.* *Continues*: All agree that 8 soldiers are killed and several wounded *etc.*, and that most of the soldiers and negroes run away on the enemies first fire, for as Capt. De La Milliere was following the advance guard which consisted of Ascroft and six negroes, a serjeant, corporal and six soldiers who were ordered to march to the ambush, he found himself abandoned by most of the party. As the rebells could not but observe the motions of our Party in the river, it is wonder'd they did not make use of the advantage and cut them all off, which induces some to think they were scarce of ammunition; for after the first volley which Capt. De La Milliere reckons at least 200 shott, their after fire was much thinner and our scatter'd defenceless party permitted to retreat without interruption or the least pursuit. We hope your Excellency will think it of utmost importance that the guard at Brest Work should be augmented, especially now the rebels are supply'd with arms and ammunition lost by this party. This misfortune has increas'd the fearfull apprehensions of the out settlements of St. George's and Portland. Mentions casualties in the

1731.

[550. iii]

Independant Company. P.S. The Party left this town the 26th Nov., march'd from Brest Work 30th. was ambush'd and defeated Sat. 4th Dec., and return'd back to Brest Work, 6th. It's wisper'd that in the party's return a soldier was left about ten mile beyond Brest Work. *Signed, J. Ashworth. 1 $\frac{3}{4}$ large pp.*

550. iv. Capt. De La Milliere to Governor Hunter. Titchfield, Dec. 8, 1731. [*On 30th Nov.*] I set out from the Breast Work *etc.*, and march'd over steep rocks, and thro' deep and rapid rivers, till the 4th, about 4 o'clock in the afternoon when Mr. Ascraft one of my guides (who was with my advance guard) told me that we were come near the place where the rebellious negroes had formerly lain in ambush. I then told him we must not go near that place but cutt our way over thro' the wood, he replied that it would take us two or three days to do that and continued marching on towards a river. I all along insisted upon cutting another way, he replied there was no danger, and march'd on till we came to the river where he then told me we were past all danger. I there got as many of my people together as the small beach would contain and bid them keep very close: but having a steep rock about 3 yards high to climb over, and then the river to cross, prevented my men's keeping so close as was necessary. The advance guard and shott negroes march'd on and I was out of the river when I heard some shotts fired. I ran with all expedition towards the place of fire and at an angle where I must have turn'd, was met by all the shott negroes (except three) who ran down upon our men who were crossing the river. I cryed out to them to stop, and bid my men advance, and went up to our advance guard where the rebellious negroes gave us all their fire, kill'd the serjeant, three of his men, and one of the shott negroes; Peter La Fountaine, Mr. Lee and Mr. Peters were wounded. Upon this fire Mr. Ascraft ran away and cry'd out to my men who were in the river, Turn back, the front is all cutt off, which put them in great confusion, some falling in the river, and others throwing themselves from the rock. At this time Mr. Peters, Mr. Lee and myself were left in the midst of the negroes' fire, and finding none came up to join us we retreated and found our men in great disorder, we went into ye wood on the other side the river and halted. I there examined my men, and found 8 men wanting, and all the shott negroes except two, most of our arms and ammunition was wett in the river and most of the baggage negroes had

1731.

[550. iv]

thrown away their loads and ran off. I did not think it proper to make any other attempt, being to no purpose, to undertake the cutting of new roads thro' woods and over rocks. Our provisions being all lost I march'd back to the hutts where we had lain the night before; By the negroes' fire we judged the number to be about 200; the road we went is such that in a hundred different places, ten resolute men are sufficient to stop a thousand. On our march back to the Breast Work we had the misfortune to lose one man who was seiz'd with an ague, though I had given orders to the officer in the rear not to leave a man behind. I made frequent halts to give the rear time to come up and sent back twice some shott negroes to bring him: but they return'd without him: we arrived at the Breast Work the 6th *etc.*: yesterday we came to River Grandee but could not all pass, the river then beginning to swell, those that could not pass I order'd back to the Breast Work, which I had reinforced: and now consists of thirty men. As I am informed, my conduct ever since I came to this place has been much taken notice of and censur'd, and this unfortunate expedition will no doubt raise more clamour against me *etc.* Asks for a Court Martial to enquire into his conduct *etc.* Mr. Lee's and Mr. Peters' courage was very remarkable *etc.* Signed, H. de la Milliere. Copy. 2 large pp. Enclosed,

550. v. List of killed (8) and wounded (6), lost (1). 1 p.

550. vi. Thomas Peters to Governor Hunter. Titchfield, Dec. 9, 1731. Describes the ambush, "by ill management and cowardice by the soldiers and by the best part of the shott negroes" *etc.* Corroborates preceding, refers to his services and asks for leave *etc.* Signed, Thos. Peters. Copy. 1 large p.

550. vii. Deposition of Mr. Lee, 29th Nov. 1731. Corroborates preceding *etc.* Signed, Edmond Lee. Copy. 1 p.

550. viii. Governor Hunter to Capt. De La Milliere. Spanish Town, Dec. 14, 1731. Reply to No. iv. Asks for particulars, "particularly as to such as gave cause to so shamefull a deroute," what officers deserted you, what arms or ammunition were thrown away, that as soon as may be Justice may be done to H.M. service, the honor of his troops, and examples made to deterr others from the like guilt and shame." He is to keep his troops together and keep possession of the Breast Work. As to the Court Martial, he may depend upon it in proper time *etc.* Signed, Ro. Hunter. Copy. 1½ pp.

1731.

550. ix. Governor Hunter to Major Ashworth. Spanish Town. Dec. 14, 1731. *Reply to encl. iii. To same effect as preceding. Signed, Ro. Hunter. Copy. $\frac{3}{4}$ p.*
550. x. Duplicate of preceding.
550. xi. Representation of Council of Jamaica to Governor Hunter. 14th Dec., 1731. The Council, having taken into consideration the dispatches lately received from Great Britain, are under the greatest concern to find that your Excellency's conduct and their own has not met with that approbation their good intentions led them to expect *etc.* *Continue:* We are not so much affected with the injustice done your Excy. and ourselves by some late misrepresentations (because time and better information will set that right), as at the consequences, which may immediately prove fatal to H.M. and destructive to this island; in that these representations have influenced so far, as to give occasion for recalling the two regiments sent for our preservation. It is intimated by the papers before us that they were sent upon the representation of the Council of the 30th Nov., setting forth the weak and defenceless condition of the island. If it was a good reason, then, we are sorry to say the same still subsists, and we are concern'd to find our opinions then honestly and faithfully given, have since had less weight than the solicitations of some interested Officers, who from their first landing here have shewn a dislike to the country, and an indisposition to the service. We presume that these Officers the better to carry their point have transmitted a message from the Assembly to the Council, where it is insinuated the country had no occasion for them. If it was so, that was but the opinion of one part of the Legislature, and carried by a small minority, who under shew and pretence of popularity are running the country into the greatest disorder and confusion. But if the Officers had acted with candour, with a view to H.M. service and not their own interest, they should at the same time have sent some of the Minutes of the Assembly previous to that message, whereby the perversness and inconsistency of some of those Gentlemen would have appeared, as (i) Resolved, it is the opinion of this Committee that the Militia as they now stand are not sufficient for the security of this island *etc.*, and therefore that the House do appoint a Committee to bring in a bill to regulate and render them more useful, but that no application be made for a standing force. After this a conference was desired with the Council and the Committees

1731. [550. xi]

appointed on both sides came to this resolution:— It was absolutely necessary to think of securing the island in case a rupture should happen with any of our neighbours, and that therefore it would be necessary either to apply for a body of troops or fall into some more effectual measures than had been hitherto done for rendring the Militia more useful. Both Committees made this report to their respective House. The Council unanimously agreed to it, the Assembly disagreed. The Assembly did not after this, nor even to this day, prepare any bill for rendring the Militia more useful, but in Nov. 1730 they brought in a bill *to oblige the inhabitants to provide themselves with a number of white men in proportion to their negroes to be sent out to reduce the rebellious negroes etc.* This bill was past in great hurry and liable to many exceptions, and in some parts intrench'd upon the prerogative. Upon which the Council made several amendments and past the bill, and sent it to the Assembly, who sent a message that they agreed to the first and second amendment, *etc.*, and disagreed to all the rest, “several of them being for raising and appropriating money, which being the sole right of Assemblys they can never part therewith without betraying their rights and privileges as well as those of the people of this island.” This bill as it then stood without the amendments offer'd by the Council was judged useless and impracticable, and therefore they adhered to their amendments, and the bill was dropt. *Refer Board of Trade to Minutes of Council and Assembly. Continue:* The Council can't help lamenting their misfortune that they should be suspected of imposing upon H.M. by their groundless informations. If they were not absolutely convinc'd of the necessity of regular forces what could induce them to any such application? Are any people fond of a military government *etc.*, or fond of unnecessary taxes when they are so little able to bear the necessary ones? The very report of the Lords Commissioners of Trade justify our former and present assertion of the insecurity of this island without a standing force *etc.* *Quote* numbers of whites (7698) and blacks (74,525) exclusive of free negroes, as laid down by the Board of Trade, to which the number of rebellious negroes, at least 2000 must be added *etc.* *Continue:* The indented servants are supposed to consist of 1500, amongst them are several Irish Papists and the rest have no property to lose consequently little temptation to fight for us, but supposing the best what

1731. [550. xi]

an inconsiderable force is the whole to defend an island 150 miles by 60 *etc.* So that we were so little apprehensive of the forces being recall'd, that we rather hop'd they would have been augmented. If there wanted still further proof of our danger, the late unhappy defeat of the strong party of regular forces by the rebellious negroes is a most convincing one. What spirit must this new success inspire them with, and if the troops are recall'd what an unhappy influence must it have over our other slaves *etc.* The consequences are but too visible *etc.* We need be very little solicitous about other affairs, for if we lose the protection of the soldiers all must soon be at an end *etc.* As to the objections to the Additional duty bill, they seem to be sufficiently answer'd at home. We shall only say, it is in aid of H.M. Revenue, the duty upon negroes has been laid for 40 years past except the 15s. extraordinary upon the late emergency of subsisting the soldiers, the merchants share with the planter the benefits of their protection, and therefore it is reasonable they should bear some proportion in the charge of supporting them. As to the tax laid upon the Jews they have always quietly submitted to it and think themselves well used that it is no higher, besides we never thought them of any advantage to the island, they take the bread out of the mouths of more deserving people, they have no religion to fight for and provided their property can be secured they are very indifferent under what Prince they enjoy it. As to the penalty laid upon the importation of convicts, it is no new thing. We have constantly done so, the penalty is indeed now enlarged, but we did not imagine that would be any objection to the bill, for [if] it be prudence in England to banish rogues; it must certainly be prudence here to endeavour to keep them out. As to the schemes proposed for treating with the rebellious negroes, they have hitherto been found impracticable, and at this time as they are flusht with success they would rather impose than receive terms, nothing but arms can bring them to submit, much less a proposal to bannish them to the Bahamas. The Musketto Indians were never made use of by this country but once for the reduction of the rebellious negroes and then they acquitted themselves so ill that the country did not think it worth while to employ them again, neither did they care any more for that service when they found the rebels knew the use and were provided with fire arms *etc.* Pray H.E. to transmit this true state of the facts to Great Britain,

1731. [550. xi]

“ as a justification of their conduct and of the necessity of continuing or sending sufficient force for our preservation ” *etc.* *Continue:* We have no other views than the honour and dignity of H.M. Government and the welfare and security of the inhabitants, nor can it be supposed that we can be under any other influence there being no salarys affix’d to our posts, nor any places in the gift of this Government to tempt us to act partially, *etc.* *Signed,* Jos. Maxwell, Cl. Conc. 4½ pp. [C.O. 137, 53. ff. 412–415, 416–418v., 420, 420v., 422, 423, 425, 427, 427v., 429, 431, 433–435.]

Dec. 15.
Admty.
Office.

551. Mr. Burchett to Mr. Popple. In reply to 26th Oct., the Lords Commissioners of the Admiralty are of opinion that, as Col. Dunbar is appointed Surveyor General of H.M. woods in New England by the Lords of the Treasury, the prosecution of the appeal ought more properly to be carryed on by their directions, since if the person accused shall be convicted, H.M., and the accuser will have the benefit of the penalty ; “ besides my Lords have not any fund of naval money out of which the charge of the prosecution can regularly be defrayed ” *etc.* *Signed,* J. Burchell. *Endorsed,* Read 21st Dec., 1731. 1 p. [C.O. 5, 873. ff. 259, 260v.]

Dec. 15.
Whitehall.

552. Council of Trade and Plantations to the Lords of the Committee of the Privy Council. Enclose and describe following. *Annexed,*

552. i. Draught of H.M. Instruction to Michael Smith, President of the Council of Nevis. (i) We have thought fit to disallow the act of Antigua, 1728, to supply the defects of an act for constituting a Court of Chancery *etc.* But to prevent any delays or inconveniences to our subjects in the prosecuting their rights in Chameery by reason of your absence, or of the absence of the Commander in Chief *etc.* from Antigua, you are to recommend to our Council and Assembly of the said Island the passing of an act to repeal so much of the act passed in 1715 referred to in the fore-recited title, or of any other law or act now in force in Antigua *etc.*, which may restrain the power of Us, Our heirs and Successors from appointing who shall preside in the said Court of Chancery. (ii) So soon as the Council and Assembly shall have passed an act in compliance with the foregoing Instruction, you shall cause Our will and pleasure to be signified to them and to be entred upon the Journal of Our Council, that Our Capt. Genl. or Commander in Chief of Our Leeward Charibbee Islands for the time being, during his residence on the island of Antigua, shall

1731. [552. i]

preside in our said Court of Chancery there; that in his absence from the said island of Antigua the Lieut. Genl. of Our said Islands for the time being shall preside in the said Court, and in the absence of both Capt. Genl. and Lieut. Genl. from the said island, that the Lieut. Govr. of the said island shall preside in Our said Court, and that each of them respectively during the time they shall so preside as aforesaid, shall and may execute all the powers and authorities belonging to that office according to the laws of that Our said island. (iii) As some of the rules and regulations prescribed by the aforesaid act of Antigua passed in 1728, to be observed in the Chancery Court of that island, seem calculated for the good of Our people and ease of Our subjects trading thereto, We are graciously pleased to allow you to give your assent to a new law for prescribing such rules and regulations as may be thought necessary to be observed in the proceedings of the said Court, provided a clause be inserted therein for suspending and deferring the execution thereof until Our pleasure shall be known concerning the same. [C.O. 153, 15. pp. 116-121.]

Dec. 15. **553.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 13 out of 14 Acts of New Jersey submitted to him. "But as to the Act *imposing a duty on persons convicted of heinous Crimes and to prevent poor impotent persons being imported etc.*, it is plainly intended to prevent the importation of felons into this province who are transported from hence and therefore I apprehend it is very unfit to be confirmed" etc. Signed, Fran. Fane. Endorsed, Reed. 20th Dec., 1731, Read 8th March, 173 $\frac{1}{2}$. 2 $\frac{1}{2}$ pp. [C.O. 5, 972. ff. 228-229v.]

[Dec. 16]. **554.** Petition of Thomas Beake, Agent of St. Christophers, to the Council of Trade and Plantations. The said island hath for some time past been in a very weak and impaired condition in regard to its forts, fortifications and all manner of stores, and tho' its condition was so bad is now rendred much worse by an accident of having the principal magazine in the island lately blown up by lightning in which was contained the greatest part of the arms and ammunition belonging to the said island whereby they were all destroyed. By this misfortune added to the former weak state the said island was in and more particularly that part which was formerly in the possession of the French and lately purchased from the Crown, it is now left in so naked and defenceless a condition as not to be able to make any opposition in case of an invasion, and this island being but at a small distance from the French etc., might become an easy conquest to them etc. The Legislature there are

1731. [554]

preparing and putting in order the several forts and fortifications with all possible expedition, and have therefore directed memorialist to make the proper application for sixteen cannon for Brimstone Hill, 8 of which to be 12 pounders and 8 nine pounders, five other cannon for French Figg Tree Fort three of which to be nine pounders and the other two 12 pounders, twelve other cannon for Fort Londonderry, six of which to be 12 pounders, and the other six eighteen pounders, with carriages, rammers, sponges, ladles and all other things proper for the same, as likewise 500 small arms with bagonetts fixt to them, and 200 barrells of powder. *Prays the Board* to represent to H.M. that the furnishing the said stores is highly expedient and necessary *etc.* *Endorsed*, Reed., Read 16th Dec. 1731. 1½ pp. [C.O. 152, 19. ff. 86, 86v., 91v.]

Dec. 16.
Charles
Town.

555. Governor Johnson to the Council of Trade and Plantations. *Encloses* following as ordered 16th June. *Continues*: As the navigation of Great Britain is very much affected to its advantage by the trade of this place, and the manufactories noways prejudiced, I am in hopes your Lordships will think this Colony in a particular manner deserves the concern and encouragement of the Legislature at home. Your Lordships will perceive by the said account that altho' this Province has within this ten years more than doubled the produce in rice, which employs more than double the negroes, more than double the land cultivated, and consequently double the labour and industry, and double the quantity of shipping employed and clothing made in England (no small advantage to the Brittish nation) yet from their being obliged to sell it all in Europe, and most of it in England, 50,000 barrels has produced them less sterling money this last year 1731 than 22,000 did shipt home in 1721, and it is to be feared very justly that if they continue to increase that commodity they will still lose more in proportion to that increase unless the trade to Portugal should very much augment the demand, which good effect we have not yet found: But if we had been permitted by the late Act of Parliament that gives us leave to send it directly there, to have sent it also to any part southward of Cape Ushant, we had then had all Biscay and some part of France, as well as all America to have taken off some of it, and this we were in hopes to have obtained, and still are in hopes that thro' your Lordships' good offices, the Parliament may in some short time be induced to give us, since it is plain that let us sell where we will, the nett proceed is so much added to the wealth of Great Britain, besides the great advantage of employing so many ships; and the low price it is now fallen to, makes the Assembly talk of confining the planters to cultivate a certain quantity of land, each according to the number of their slaves, to prevent their being ruind by their own industry. This they

1731. [555]

have done in Virginia, with their tobacco, which altho it has produced the effect the planters wanted, has however, to be sure, been very prejudicial to his Majesty in his customs, and much lessened the number of ships employed in that trade, which must also be the consequence in our case, if we are obliged to do the same thing, which may be worth your Lordships' consideration. *Refers to* letter of 16th Nov. relating to act for ascertaining H.M. quit-rents. *Continues* :—That act seems in a manner almost suspended until we can have H.M. directions thereon, it being of great concern as well to H.M. as the Province. I am in hopes your Lordships will send me your thoughts, and H.M. orders thereon as soon as possible, and Mr. Fury our Agent has directions to attend your Lordships for that purpose, and unless I know H.M. pleasure upon it, I refuse, to grant warrants to survey or lay out any lands granted by patents by the late Lords Proprietors, fearing it might strengthen their titles; on the other hand I find people very backwards in registering their titles, till they know the fate of the quit-rent law. The land office is now open and I send your Lordships a copy of the altered form of grants. Several gentlemen of great fortune are come here from Barbados and elsewhere to see how they like the country, and being desirous to secure lands to settle, but not having brought slaves or whites with them, to intitle them to take up a sufficient quantity of land, and they applying for the same, by the advice of the Council, we have granted them the lands they desire, at the annual quit-rent of 3s. sterl. per hundred acres, they first having given bond to H.M. at the rate of £50 sterl. for every 500 acres, that they will in three years import a soul, either black or white, according to the King's Instructions for every 50 acres. *Signed*, Robt. Johnson. *Endorsed*, Recd. 26th Jan., Read 16th Feb., 173½. 3 pp. *Enclosed*,

555. i. Account of rice shipped to Great Britain from S. Carolina in 1721 and 1731. In 1721, 22,000 barrels of 4 cwt. each, sold at a medium of 18/- per cwt. 10,000 negros computed in the Province at £20 sterl. per head. In 1731, 50,000 barrels at 14/6 per cwt. 20,000 negros. The fall in price is so great that the 50,000 barrels of 1731 yielded clear of all expenses in Great Britain only £4671*l.* 13*s.* 4*d.* more than the 22,000 of 1721 *etc.* (*v. preceding*). *Endorsed as preceding*. 2 pp. [C.O. 5, 362. ff. 77-78*v.*, 79*v.*-80*v.*; and (*abstract of letter*) 76, 76*v.*]

Dec. 17.
Whitehall.

556. Council of Trade and Plantations to the Lords of the Committee of Privy Council. In pursuance of Orders of 27th July *etc.*, we have been attended by the petitioners, and have heard Counsel in support of their petition, who endeavoured to shew the ill use that might be made of this Additional

1731. [556]

Instruction, from the influence which the Governor of Barbados may be presumed to have over the Assembly of that island *etc.* We have in vain represented to the petitioners the evils that may possibly arise to them for the temptation any future Governor may lye under by so great a reduction of their salary, of being prevailed upon to let their duty give way to their intrest; But the petitioners ultimately declared their dislike of any additional allowance to be settled upon the future Govrs. of Barbados at the expence of that island, except only £500 pr. ann. to defray the charge of their cellars, which summ hath been always allowed for that purpose, since the time that Sir Beville Granville was Govr. of that Colony. We take leave however to represent to your Lordships, that considering the dearness of provisions in Barbados, and the very great expence which every Govr. must necessarily be at, to support the proper dignity of his office; and that it is of great consequence to the service and to the honour of the Crown that all H.M. Governors in America should be independant of their respective Colonies, for their support: we think, that some addition should be made to ye present salary; and we humbly apprehend, that if Mr. Chetwynd, whom H.M. has been pleased to appoint his Governor of Barbados, were allowed to take a salary from the Assembly of that Isld., not exceeding £3000 sterl. pr. annum they might, without inconvenience to themselves, be able to settle that annual summ upon him during his continuance in that Govermt.; which would be but half of what they settled upon their former Governor, and we the rather incline to propose that summ, because altho' the merchants did inform us, that the perquisites of the Governor of Barbados did amount to about £2000 a year, yet upon our desiring they would explain to us how that summ was computed, we do not find either from them or from the best information we can get, that the known perquisites are of any considerable value. [C.O. 29, 15. pp. 243-246.]

Dec. 17. **557.** Council of Trade and Plantations to the King.
Whitehall. Recommend John Morris for the Council of Antigua, in the room of Wm. Byam deed. [C.O. 153, 15. p. 121.]

Dec. 17. **558.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose following to be laid before H.M. *Annexed*,
558. Draft of H.M. Warrant to Lewis Morris, President of
the Council of New Jersey empowering him to use the
new seal sent therewith (*described*). [C.O. 5, 996.
pp. 277-280.]

Dec. 17. **559.** Order of Committee of Council. The petition of
Whitehall. William Smith, C.J. of N. Carolina, on behalf of the Assembly,
Council and Planters, complaining against Governor Burrington,
Mr. Lovick, and Mr. Little, is to be transmitted to them for their

1731. [559]

answer and depositions *etc.* to be returned in six months *etc.* (v. A.P.C. III. No. 254). *Unsigned.* 2 pp. [C.O. 5, 21. ff. 9, 9v.]

[Dec. 20].

560. [? *Mr. Paris*] to the Council of Trade and Plantations. *Reasons humbly offered on behalf of the Province of Pennsylvania against the restraint on one side, and monopoly on the other, prayed by the Assemblys of Barbados, Antigua and Christopher etc. Pennsylvania may be called one of the Bread Collonies etc.* It produces provisions (as wheat, Indian-corn, flower and other corn, beef, pork and butter) horses and timber. The inhabitants are very numerous, and yearly take from Great Britain vast quantitys of woollen manufactures for cloathing and preservation from the severe cold of their winters (more than all the three Sugar Islands abovement. together), also great quantitys of linens, silks, haberdashery, ironware and other materials for husbandry and building and the furniture of their houses. With some of their own provisions, horses and lumber they purchase from the Brittish and Dutch Sugar Islands sugar, rum and molosses. With some of the Brittish manufactures (as woolens, linnens, shot, cutlery *etc.*) they purchase from the Indians skinns and furs. The expence of clearing and settling so young a Colony (not 50 years old) and the charges in buying all things necessary to their subsistance (except provisions only) from great Brittain are so great, that without liberty to dispose of the whole of their provisions, horses and lumber, above their own consumption, it would be impossible for them to proceed in settling the Collony, or even to subsist there, which is the most they can at present do, with the utmost industry and frugality. The Brittish Sugar Colonys alone, cannot take off near the provisions which the Bread Colonys export, and the residue must be lost to the Bread Colonys, as not being worth the while to bring to Europe. Nor on the other hand are the Brittish Colonys able to supply the Northern Colonys and its sevl. occasions with the rum and molasses there consumed, without greatly diminishing the quantity of sugar they make. The Sugar Colonys have long enjoyed the utmost sunshine of wealth and plenty, which is a state the Northern colonys have never yet once arrived at, nor are ever likely to attain. And the consequences of restraining the Northern Colonys' trade to Great Britain and the Brittish Sugar Islands (weh. is in effect to the Sugar Islands only) and of monopolizing by the Brittish Sugar Islands of the sale to the Northern Colonys of the sugar, rum and molasses they consume *etc.* would be :— The takeing from H.M. faithful subjects in N. America that liberty and freedom of commerce which is their birthright and yet unrestrained ; The makeing them the slaves and bondmen of their fellow subjects in the Sugar Islands ; The aggrandizeing a few of H.M. opulent subjects in the Sugar Islands at the

1731. [560]

expençe and ruin of prodigious numbers of persons who are as much, as loyally, and as usefully, H.M. subjects in the Northern Colonies, tho' not blest with the affluence the Sugar Islanders can boast ; The stripping the inhabitants of Pensilva. of the means of subsistence and of purchasing the necessarys and conveniencys of life and of settling the Colony *etc.* Great Britain itself would be exceedingly prejudiced thereby in its manufactures and navigation, trade and revenue, for the Sugar Islands would have demands from N. America that would take off all their rum and most of their sugar, so that little would be brought to Great Britain even for its own consumption and the navigation with it to forreign markets would be quite at an end *etc.* *Endorsed*, Reed. (from Mr. Paris), Read 20th Dec., 1731. 2 $\frac{3}{4}$ pp. [C.O. 5, 1268. ff. 31–32v.]

[Dec. 20]. **561.** Some short observations on and reasons in answer to the three Representations from Barbadoes, Antigua and St. Christophers *etc.*, for and on behalfe of severall of the Northern Colonies (Massachusetts Bay, Rhode Island, New Jersey, Connecticut, New York). To the Council of Trade and Plantations. The advantage of the Sugar Islands to the trade and shipping of Great Britain does not stand in any degree of competition with the Northern Colonies *etc.* For the balance of trade with Great Britain is in favour of the Sugar Islands, but against the Northern Colonies. The export of British woollen manufactures to Barbados and the Leeward Islands bears no proportion with that to the Northern Colonies. As to the Africa trade, that depends on them as well as the Sugar Islands, tobacco and rice plantations requiring negroes as well as they. The Northern Colonies are the occasion of employing a farr greater number of tradesmen in Great Brittain than the Sugar Islands, both in regard to their exportations in which they greatly exceed Barbadoes and the Leeward Islands, and in regard to their importations, particularly in the articles of peltry which employs one of our most considerable manufactorys. And with regard to the number of their shipping and sailors employed in the trade of the Northern Colonies they greatly exceed those employed in the Sugar Islands. The revenues of the Crown, it is believed, arising from the Northern Colonies will likewise greatly exceed those arising from the Sugar Islands. As to the interest of Barbadoes and the Leeward Islands being united with that of Great Brittain, so is the interest of the Northern Colonies, who must be ever as dependent on their Mother Country as the Sugar, and fetch their supplies from thence, unless they shou'd be necessitated to fall into making manufactures which may interfere with Great Brittain by having unreasonable restrictions laid on the trade they now carry on. The improvement in the Dutch and French Sugar Colonies is not owing to this trade with the Northern Colonies ;

1731. [561]

the restraining such trade would only make them more our rivals in the sugar trade *etc.* For they would then be supplied with lumber from their own settlements and manufacture their own molosses into rum, to bring which about the Crown of France have prohibited this trade *etc.* Refer to following printed case. As to the French being improved in their sugar trade and supplying foreign markets, that cannot be imputed to the trade of the Northern Colonies, but to the Barbadians themselves, who had all the foreign sugar trade in their own power till 1715, when they by act prohibited the French from bringing their sugar to Barbadoes whereby they necessitated the French to find out some other vent *etc.*, as the granting of the proposed prohibition would also do *etc.* The Sugar Islands are greatly mistaken in asserting that the Northern Colonies will take nothing but money from them in exchange for their lumber, the Northern Colonies being more desirous of taking their molosses *etc.* They are equally mistaken when they alledge they are not sufficiently [? *supplied*] with lumber and provisions, or that the Northern Colonies make them pay more than the French *etc.* They have always carried full supplies of lumber to the Sugar Islands, and even more than they will take, and sold 'em at such low rates that they have frequently been losers *etc.* If there was any want of lumber in Barbadoes occasioned by ye late hurricane there, it was their own fault in not laying in sufficient stores against such accidents, when the lumber ships were there. As to the many complaints of the great decay in the Sugar trade *etc.*, there is not really that foundation they would seem to suggest, for at the price sugars are now sold and have been sold for many years, it produces very great profitts to the prudent and industrious planter infinitely beyond the best land either in Old or New England. Besides our Sugar Islands have always sold their molasses and rum without having any left on their hands and that at higher prices since the trade carried on by the Northern Colonies with the French than before, and it is very extraordinary to attempt to restrain the Northern Colonies from supplying themselves with what further quantities they may want of these commodities from the French in exchange for their lumber and provisions the naturall produce of their own country after having taken from our own Sugar Islands all that they can supply the Northern Colonies with. As to this trade being contrary to the Treaty of Peace and Neutrality, it appears from the 96th Instruction to the Governors of the Sugar Islands, that the Crown, the Lords of the Councill, and the Lords Commissioners of Trade have understood this treaty in a quite different sense from that contended for by the Sugar Islands *etc.* The carrying on this trade is no real injury to the Sugar Islands and if prohibited would yeild them no advantage *etc.*, but would be of the most fatal consequence to the Northern Colonies *etc.*; in regard they would want

1731.

[561]

proper encouragement for clearing their lands and a proper vent for their lumber and provisions, which there is no pretence to say the Sugar Islands could take off their hands ; in regard all the Sugar Colonies cannot supply 'em with molosses near sufficient for their necessary occasions and for ye supply of Virginia and the Newfoundland Fishery which cannot subsist without it ; in regard such a prohibition would oblige the French to fall into the distilling of their molosses into rum which would be of very dangerous consequence to Great Brittain ; in regard *etc.* it would oblige the Northern Colonies to sell their lumber and provisions to the Sugar Islands in exchange for their rum and sugar and that at their own rates which would ruin all the distillerys erected in the Northern Colonies, make the Northern Colonies entirely dependant on the Sugar Islands and disable them from paying for their British manufactures. It would also greatly diminish the consumption of the British woollen manufactures and the shipping and navigation of this Kingdom now employed in the trade of the Northern Colonies. It would likewise occasion such a vast rise in the price of rum as would occasion the Sugar Islands to make less sugar in order to make more rum. The necessary consequence of which would be that the price of sugars wd. be enhanced and the quantity lessened so that none would be exported which would throw the whole sugar trade in foreign marketts into the hands of the French and Dutch. Upon the whole therefore and as the prohibition desired would lessen the importation of rum which brings in a considerable revenue to the civil list and as the trade of the British Northern Colonies is already greatly cramped, It is hoped for the reasons contained in their printed case herewith left *etc.*, that the Northern Colonies shall not be deprived of this branch of their commerce, a just liberty they have always hitherto enjoyed and which they are assured will still be continued to them. *Endorsed, Recd., Read 20th Dec., 1731. 3 $\frac{1}{3}$ pp. Enclosed,*

561. i. The Case of the British Northern Colonies. Referred to in preceding. *Printed. 3 large pp. [C.O. 28, 22. ff. 137, 138v., 139v.-141v.]*

[Dec. 20]. **562.** The Case of the British Northern Colonies. (*v. preceding*). *Endorsed, Recd. (from Mr. John Sharpe). Read 20th Dec., 1731. Printed. 3 pp. [C.O. 323, 9 ff. 83-84v.]*

[Dec. 20]. **563.** Petition of Richard Partridge, Agent of Rhoad Island and Providence Plantations, to the Council of Trade and Plantations. Prays for a copy of memorial from Rhode Island (*v. Sept. 2, encl. i*), in order to his vindicating the Assembly *etc.* *Endorsed, Recd. 24th, Read 25th Jan., 173 $\frac{1}{2}$. $\frac{3}{4}$ p. [C.O. 5, 1268. ff. 34, 37v.]*

1731.

Dec. 20.
Jamaica.

564. Governor Hunter to the Council of Trade and Plantations. This serves to cover a duplicate of my last of the 15th inst. I have as yet no further advice from Port Antonio, my messenger not being return'd. *Transmits* two acts passed last session of Assembly, (i) *for the further quieting possessions and regulating resurveys*, and (ii) *for the better preserving of the records in the several publick offices, etc., and remedying defects in former laws, for preventing fraudulent deeds and conveyances, and recording old wills in a prefix'd time.* *Transmits* Minutes of Council and Journal of Assembly. *Continues:* The Attorney General and other good judges have assur'd me that they could not see any objection to either, and I assure your Lordships they are as necessary to the peace of this Island as anything that can be thought of, being calculated to prevent multiplicity of letigious law-suits, the bane of this country. I am so much indispos'd, that I have much ado to write or dictate. I hope soon to have the opportunity of another ship, when I perhaps may be able to write more fully *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 7th March, Read 12th Sept., 1732. $1\frac{3}{4}$ pp. [C.O. 137, 20. ff. 38, 38v., 43v.]

[Dec. 20]. **565.** Representation of President, Council and Assembly of New York to the King (*v. Nov. 2 encl. i*). *Copy. Endorsed*, Recd., Read 20th Dec., 1731. 2 pp. [C.O. 5, 1055. ff. 200, 200v., 201v.]

Dec. 21.
Whitehall.

566. Mr. Popple to John Scrope. By order of my Lords Commissioners, I transmitted to Mr. Burchett to be laid before the Lords of the Admiralty, the exemplification of a case tried and heard the 9th of May, 1730, before Mr. Byfeild, Judge of the Court of Admiralty at Boston, as also the act of appeal thereupon to the High Court of Admiralty in this Kingdom, with the desire of my Lords Commissioners that the Lords of the Admiralty would give directions for prosecuting the said appeal, which is the more necessary since by accounts from New England great waste and abuses continue still to be committed in H.M. woods in those parts. *Encloses* their reply, to be laid before the Lords of the Treasury, "and the rather, since the Lords of the Admiralty are of opinion, that the prosecution of the appeal ought properly to be carried on by direction of the Lords of the Treasury." [C.O. 5, 917. pp. 286, 287.]

Dec. 22.
Virginia.

567. Lt. Governor Gooch to the Council of Trade and Plantations. On the 14th instant I had the honour of your Lordships' of the 27th of May last, and by the same conveyance H.M. approbation of your Lordships report on the Act for improving the staple of tobacco *etc.* Had H.M. pleasure been signified sooner, I should have been better enabled, than I now

1731. [567]

am, to have given your Lordships assurance of the successful execution of that law : but the uncertainty the people have layn under, the reports spread by persons interested against it, as if it was [*? not*] at all to take place, or to continue only this year, and the late arrival of the scales and weights, for want of which the Inspectors have stood still, hath retarded in a great measure that progress which otherwise by this time might have been made in passing the tobacco : so that it will scarce be possible for this law to shew itself in all the advantages and conveniencies this year which were designed by it, and which I make no doubt will be clearly seen, let gainsayers object what they please, upon a further tryal. However, thus much I am satisfied will be fully demonstrated, that by the care of the Inspectors the market at home will be furnished with much better tobacco than hath been sent hence at any time heretofore ; and indeed such a regulation of the trade could never have been more seasonably put in practice than at present ; for notwithstanding the prospect there was the last summer of a fine crop, it has happened through the inconveniency of the weather in the autumn, that a great deal of tobacco hath suffered in the airing, so as to be altogether unfit for exportation ; and yet all this trash and unmerchutable tobacco would most certainly have gone home to the ruin of the trade had not this law prevented it, and the markets home and abroad would have been cram'd with unsaleable tobacco. Under this misfortune, lest the quantity should be too much reduced, I thought myself obliged, for H.M. interest, to give orders to the Inspectors not to execute their duty too rigorously, but to pass tobacco though it was only indifferent, provided it was well handled, and clean and honestly packed in the hogshead *etc.* Does not blame the Board for the delay in confirming the Act *etc.* Though it cannot be fully tested now this year, *hopes that* it will answer the chief points intended and the rest later. *Shows how* it differs from the Agent's Law of 1713, with which they seemed to think it was much the same. *Replies to* Mr. Popple's letter of 10th Aug. (= ? *June*) :—" I know of no laws subsisting in this Colony that can in any manner affect the trade *etc.* of G.B. except the Act passed the last session of Assembly for encouraging the linnen manufacture." *Refers* to his former explanation of it. *Continues* : As I have not heard of any great progress made in that manufacture, nor of any one person that hath received the bounty given thereby, for it was not to take place until the Royal approbation was signified, I am of opinion it will very little affect the manufacture of G.B., and if tobacco increases in value, all that scheme will fail of itself, and is of so little consequence to this Colony, that very few will be concerned if it is repealed. As to trade carried on, it is well know[n] my Lords, that our chief and almost sole dependance is on tobacco, and that the people of this country

1731. [567]

are not of an enterprizing disposition to run into new projects of trade. So that I can with truth assure your Lordships that there is not any trade carried here which is any way, prohibited by the statutes of Great Britain. And I may venture to say as to manufactures sett up, that there are none that deserve that name, except the pitiful shift which some poor folks make to provide themselves with cloathing of a sort of coarse cloth made of wool and cotton and some linsey wolsey, where they are unable to purchase better by their labour in tobacco. But for a more particular account of these matters *refers to* the representation by H.M. Council the 5th last moneth. *Has received* H.M. order for repealing the act continuing the duty on liquors, and has issued a proclamation accordingly. *Continues :* But I cannot conceal from your Lordships the resentment of the people here against the merchants who were concerned in petitioning against this act. They complain that Virginia alone of all H.M. Plantations is restrained from raising dutys for defraying its necessary expences and charges : that the duty on negros was repealed some years ago, purely for the sake of the merchants : that now the duty on rum is also abolished, whilst a law is now and has been subsisting for divers years in the neighbouring Province laying the like dutys on negros and liquors, and with the same exemption as to the country vessels without any opposition ; and think it hard that the Proprietary Governments and those of far less value to the Crown should be more favoured than this Colony. But I hope, my Lords, if this act is renewed the next Session, which I propose shal be in June (by that time we shal have proved our tobacco law), without the exemption for which it was repealed, your Lordships will be pleased to interpose your interest to support it, seeing these dutys are absolutely necessary for the service of the Government, the expence whereof can no otherwise be supported than by a further duty on tobacco, which would be much more exceptionable. I am now to inform your Lordships of the death of Colo. Bray, who was to have succeeded Colo. Page in the Council. I hope your Lordships will now recommend Mr. Armstead in his room ; and if your Lordships have any thoughts of Mr. Tayloe, for whom I find interest is made, he may be the next ; But if your Lordships are again engaged, in this, as in all other cases, I chearfully submit to your Lordships' pleasure. I cannot conclude this letter without expressing the satisfaction I received in finding my correspondence agreeable to your Lordships. I never had the least doubt but in all things relating to the public service I should receive your commands as soon as your Lordships could be finally determined or judged it necessary, and as I have laid it down to a rule to myself never to omitt any opportunity of acquainting your Lordships with every occurrence here proper for your Lordships. knowledge, so I have carefully avoided

1731. [567]
things useless and impertinent *etc.* Gives list of following, fit to supply vacancies in Council, in accordance with his Vith Instruction:—Henry Armistead, John Tayloe, Thomas Lee, Francis Willis, Henry Fitzhugh, Thomas Jones, Nicholas Meriwether, Armistead Churchill, Robert Carter, John Lewis, William Bassett, Phillip Lightfoot. *Signed*, William Gooch. *Endorsed*, Recd., Read 3rd Feb., 173½. *Holograph*. 3¾ large pp. [C.O. 5, 1322. ff. 218–220v., 221v. (*with abstract*).]

Dec. 22. **568.** Council of Trade and Plantations to the Committee
Whitehall. of the Privy Council. *Reply to* reference of 14th Dec. We think the western boundary of this new Charter may extend as far as that described in the antient patents granted by King Charles II to the late Lords Proprietors of Carolina, whereby that province was allowed to extend westward in a direct line as far as the South Seas. With respect to the islands upon the Eastern shore, from the Continent, we think this new Charter may include such as lie opposite to and within twenty leagues of the coast between the rivers Savanah and Alatamaha, which are not already inhabited or settled by any authority deriv'd from the Crown, and as to the quantity of land to be granted to each person who shall settle within the limits of this Charter, we are humbly of opinion that the Proprietors should be restrain'd from granting above five hundred acres to any one person. [C.O. 5, 401. pp. 23, 24.]

Dec. 22. **569.** Council of Trade and Plantations to the King. We
Whitehall. have lately received a memorial from the Agent for your Majesty's Island of St. Xtophers, setting forth the weak and defenceless condition of that island which is lately renderd much worse by the destruction of the principal magazine by lightning, wherein were deposited the greatest part of the arms and ammunition of the island, which by this unfortunate accident are become unserviceable, that the distance betwixt this island and the French colonies is so small, that in case of a rupture with France, St. Xtophers might be subject to an invasion, and considering the French are much superior in number to your Majesty's subjects in that part of America there is reason to fear that in the present naked and defenceless condition of this island the Colony would not be able to make any considerable defence, and as the Legislature of that island, are repairing and putting in order the several forts and fortifications with all possible expedition humbly praying that your Majesty would be graciously pleased to order them to be supplied with 16 cannon for Brimstone Hill, 8 of which to be twelve pounders and the other 8 nine pounders, five other cannon for French Figg Tree Fort, 3 of which to be nine pounders and the other 2 twelve pounders, 12 other cannon for Fort Londonderry, 6 of which to be twelve pounders and the other 6 eighteen

1731. [569]

pounders, with carriages, rammers, sponges, ladles and all other things proper for the same, as likewise 500 small arms, with bayonets fix'd to them and 200 barrells of powder. Upon this occasion we have discours'd with Lt. Gen. Mathew *etc.*, and considering the importance of this Colony to Great Britain and the danger it might be subject to in case of a rupture betwixt your Majesty and the most Christian King, we take leave humbly to propose that your Majesty would be graciously pleased to grant this request. Lt. Gen. Mathew having informed us, that there are several pieces of old unserviceable cannon now on that island and the other Leeward Islands, we beg leave to submit to your Majesty whether it may not be expedient that some of your Majesty's ships of war attending that station should be directed upon their return home, to bring away the said old cannon to be deliver'd to your Majesty's Office of Ordnance here. [*C.O.* 153, 15. *pp.* 122-124.]

Dec. 22.

570. Lt. Genl. Mathew to the Council of Trade and Plantations. *Reply to request* for report upon Mr. Beake's petition, 16th Dec. I can with all truth averr that even all those [*asked for*] will be but a very bare supply to be placed in the room of what in that island are honey-comb'd and not to be us'd on service but with utmost danger to the gunners, and these only to be mounted on the several batterys on the shore, to cover the shipping tho' in time of peace from pirates, as they are most immediately necessary on these platforms. A much greater number must be sent, if your Lordships think fitt to have the island fortifications well supply'd with cannon as mention'd in the Memorial *etc.* *Thinks the* memorialist has greatly mistaken where they are most wanted. But the Governor, as being on the spot, will always be the best judge *etc.* The English carriages sent from hence rot so very soon in those islands, that the expence of them is vastly exceeding the service they have ever been of there, where those made of lignum vitæ or mastick are the only carriages do last. And 'twill be a very expensive method of sending carriages for the sake of the ironwork only, nor is ironwork of old carriages wanting on the island. And this I venture to say to your Lordships, tho' I was outvoted on the same article in Antigua. The rammers *etc.* and other gunners' stores necessary for such a train should go with it. But the powder and small arms should be sent thither with utmost speed. There being as I well know but a very short supply of powder left, not even sufficient for the platforms on the shores that cover the shipping, and the militia are very poorly arm'd. And with these it is necessary to send at least 10,000 best musquet flints *etc.* The state of the forts *etc.* is much the same as by the accounts transmitted before I left those islands *etc.* Suggests that H.M. ships, when relieved, should bring back the old unserviceable

1731. [570]

cannon to H.M. Foundery here *etc.* Signed, William Mathew. Endorsed, Reed. Read 22nd Dec., 1731. 2 $\frac{3}{4}$ pp. [C.O. 152, 19. ff. 88-89v.]

- Dec. 23. **571.** Mr. Fane to the Council of Trade and Plantations. Report upon Acts of St. Kitts *for settling estates and titles*, 1712, and *for the general quiet of the inhabitants*, 1719. Has been attended by Counsel on both sides. The Act of 1712 is now in force tho' not confirmed; in the Act of 1719 there is a clause suspending its execution till H.M. pleasure was known. *Continues*: The last act seems to be free from all Sir E. Northey's objections, except that material one upon which the opposition to these acts chiefly arises *etc.* The clause in the first act upon which the question arises recites that, "Whereas many Irish subjects of the English Crown did contrary to their allegiance go into open rebellion, assist the French to subdue the English part of this island and remained with them in profest hostility against their natural Prince, now nothing was more reasonable and consonant to the practice of all nations than that their persons should have been forthwith attainted and their estates confiscated *etc.*, which however for want of a civil administration of the Government of this island for many years after the reconquest of the same was not done in such forme as by law is required their lands notwithstanding for better settling and strengthening this island which otherwise was very weak, were given and granted by the then Chief Governour with consent of the Council of this island under the Great Seale of these islands to severall people who by their industry have much improved the same and strengthend this island thereby. To the end therefore that the good subjects may be encouraged and a brand of infamy set upon treachery, perfidy and rebellion, it is declared and enacted that all the lands and plantations in the English quarters of any French man or woman who quitted and deserted the same upon our relating this island and went off with the other French subjects and dyed or yet survive in the dominions of the French King, as well as all the lands of any Irish or other natural subjects of Great Britaine who at the time aforesaid appeared in rebellion and received the protection of the French were justly forfeited to and legally vested in their late most sacred Majesties, their heirs and successors notwithstanding any deficiencies or want of proceedings heretofore neglected for the more regular and formall confiscation of the same, all which this present law shall be deemed and construed to answer and supply. And it is further declared and enacted that the several aforesaid grants of such lands or hereditaments under the Great Seale of these islands shall be and be adjudged firm and valid in law and the severall patentees shall have thereby a good and indefeazible title to the same in fee simple and that as well all persons who

1731. [571]

have so forfeited and lost their tenures and estates as their heirs and assigns shall be utterly barred to claime the same to all intents and purposes whatsoever. This act to be duely pleaded in barr or given in evidence to a jury upon the tryall of any such right.

In the second act there is the same clause. But then there is the following provisoe which does I apprehend in some measure qualifie the severity of the clause :—Provided nevertheless that such rebels and traitors and their heirs pretending title to any lands, tenements or hereditaments in this island so forfeited as aforesaid (having first obtained lycence from your most sacred Majesty under your privy seale for that purpose) shall and may within two years after the date of this act and at no time after prosecute such their claim or pretence of right in any Court of Record in the said island and if any such person or persons who shall recover the same shall forthwith upon such recovery pay to the person or persons against whom he or they shall so recover or their assigns such sume or sumes of money as was or were paid by him or them his or their ancestors or predecessors or other person or persons whose heir or heirs he or they is or are or whose estate he or they have to the Crown or otherwise whatsoever for the said lands, tenements or hereditaments and also the full value of all meliorations and improvements made thereon, and likewise release and discharge the defendant or defendants in such action or actions their heirs executors and administrators of and from all rights and pretentions to the mean profitts of such lands, tenements and hereditaments, otherwise such person and persons so recovering shall be and hereby is and are utterly barred and forever foreclosed of and from all or any right, title, claime or pretence whatsoever in law or equity of in or to the said lands tenements or hereditaments, the said recovery or any judgment given in the said Courts in favour of such claimer or receiver notwithstanding. And upon non-payment of the said moneys and releasing the said damages and mean profitts according to the tenor of this act such judgment and judgments so given for the said person or persons so recovering such lands *etc.* is and are hereby declared to be null void and of no effect. By the clause in the Act of 1712 your Lordships will be pleased to observe that the estates of the persons within the description of it are declared to be forfeited and their estates confiscated to the Crown and the several grants that had been made of their estates under the Great Seale of this island declared to be valid. In the clause in the act of 1718 there is no difference with regard to this particular matter but in the provisoe which gives the naturall born subjects a liberty with H.M. lycence within two years after the date of this act (and which I humbly apprehend must commence from the confirmation of the act) to prosecute their right in any Court of Record and if they

1731.

[571]

should recover to make satisfaction to the persons against whom they recovered for all moneys that had been paid to the Crown and for improvements *etc.* What is insisted on by the persons who oppose the confirmation of these acts is that they claime an estate in the English quarter that one Andrew Bodkin was seized of in fee, and dyed about 1689 *etc.* *Claim stated as Nov. 23 supra.* *Continues:* Every part of this case is agreed by the persons who are endeavouring to support these acts, except [*that*] they insist Bodkin was actually in rebellion and went away with the French after the Revolution. I have no evidence before me of that fact, but must observe that the petitioners need not be under any apprehension of Boid's recovering possession notwithstanding the act of 1712 is in force unless Bodkin was actually in rebellion for I apprehend it lyes upon Boyd before he can recover in ejectment to prove that charge and therefore I am inclined to think the charge against Bodkin is true or your Lordshipps would not have heard of this application. But the chief question that will be for the consideration of your Lordshipps *etc.*, is whether it will be expedient for the Crown to confirm either of these acts whereby the estates of the subjects of the Crown are forfeited and confiscated without a legall conviction. It is insisted on in opposition to these acts that this is an attempt of a most extraordinary and unusuall nature. That it is unjust as it strips people of their possessions without a formall and legal conviction. That it is contrary to reason and the practice of the Parliament of England. That it has not been common in the Parliament to proceed in this manner I must agree; But we have a few instances of such proceedings particularly in the case of the Duke of Monmouth and the Regicides some of whom were by Act of Parliament actually attainted and their estates confiscated after they were dead. That this is unjust will in my opinion a good deale depend upon the circumstances of the times when this happend and therefore I apprehend in the consideration of this question it will be necessary to consider the state of this island upon the Revolution. St. Christophers was then in the possession of both the Crowns of England and France, France in the possession of one part of the island, England of the other. And upon breaking out of the warr, France espousing the quarrel of King James many of the English subjects being Roman Catholicks went over to the French and as much as they could transferr'd their allegiance to the Crown of France and they were upon all occasions afterwards treated as prisoners of warr if taken and not as rebels or deserters. This being the case these people were esteemed and ought to be so, as persons that had quitted their allegiance to the Crown of England and thereby relinquish'd the priviledge of a subject and had forfeited all right to the protection of the laws of their country which they were endeavouring to destroy; besides

1731. [571]

by the confusion and disorder of warr all civil administration was suspended. And it was impossible, if it had been thought proper, to proceed according to the common forms of Justice *etc.* I can't help thinking as these persons had abandon'd their possessions and gone into the service of an alien enemy it was highly prudent in the Government to dispose of their estates as well for the security of the island as for a reward to those persons who had signalized themselves in the defence of it. It was a long course of years, 1689 to 1712, before any attempt at confirming these persons in the estates of those that had gone into the service of a foreign enemy was made *etc.*, and there was oppourtunity enough for the originall possessors to claime their estates if they had been really innocent of the charge of rebellion. It has been usuall in many of our plantations where there has been a change of property by rebellion or otherwise to pass laws after a possession of a great number of years to quiet the possessors without any private view but only for the generall quiet and ease of the country. This law of 1712 in my humble opinion seems to be past entirely upon that foot and if the originall possessors had really abandon'd their estates and gone into the service of an enemy to their country and had such a length of time to exert their right to them if they thought fitt, I think tho' there was no legal conviction the act is so farr from being unjust that it was necessary. What the politieal consequences may be of repealing the act of 1712 without confirming the act of 1718 is exceeding proper for your Lordships' consideration for as I am informed the greatest part of the estates of St. Christophers depend upon the titles given them by this act and the utmost confusion will follow unless one of the acts is confirm'd; Besides opening a door for Papists and the descendants of rebels which must greatly disturb the peace and tranquility of this island as well as the felicity of H.M. faithfull and loyall subjects. And I beg leave to observe that this is attempted to be done by a person who does not deserve any extraordinary countenance; for he is now in the possession of the estate of his ancestor and obtained the possession of it since the passing of the act of 1712. How it can now be a barr to him as it was not then I can't imagine: It is said indeed the act was not looked upon to be in force when he reeover'd judgment in ejectment. That may be the case, but I beg leave to say it is highly improbable because it is very well known that all acts passed the Legislature in this island are immediately in force and continue so till they are repealed by the Crown, unless there is a clause suspending the execution of them till H.M. pleasure is known thereon, which is not in the act of 1712. Upon the whole I think it may be proper for your Lordships to advise H.M. to confirme either the Act of 1712 or of 1718, and in my humble opinion rather the Act of 1718. Because the objections of Sir Edward

1731. [571]

Northey are all obviated in the last act except that to the forfeiting clause and in that too it is less lyable to objection because of the liberty that is given with H.M. lycence to the heirs of the forfeiting persons to prosecute their claime within two years after the date of the act which must be construed to commence from the confirmation of the act, and as it is left in H.M. breast to determine who is so worthy of such a favour. *Signed*, Fran. Fane. *Endorsed*, Recd. 23rd Dec. 1731, Read 5th Jan., 173 $\frac{1}{2}$. 10 $\frac{1}{2}$ pp. [C.O. 152, 19. ff. 92-97, 103v.]

Dec. 23.
St. James's.

572. Order of King in Council. Approving representation of Council of Trade and Plantations, and ordering that the Independent Company be sent back to Bermuda *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 15th Aug., Read 7th Sept., 1732. 1 $\frac{1}{3}$ pp. [C.O. 37, 12. ff. 97, 97v., 98v.]

Dec. 23.
St. James's.

573. Order of King in Council. Approving draught of Instruction to the Lt. Governor of Bermuda to recommend to the Assembly the raising an adequate salary in lieu of granting whale-fishing licences *etc.* *Signed and endorsed as preceding.* 2 $\frac{1}{4}$ pp. [C.O. 37, 12. ff. 99-100v.; and 324, 36. pp. 294-296.]

Dec. 23.
St. James's.

574. Order of King in Council. Approving enclosed estimate and ordering that the said stores "be sent to Antigua as soon as conveniently may be, and that the expence thereof be made an article in the next estimate that shall be prepared by the Board of Ordnance to be laid before the Parliament" *etc.* *Signed and endorsed as preceding.* 1 $\frac{1}{2}$ pp. *Enclosed*,

574. i. Estimate by the Board of Ordnance of cost of stores of War for the fort and English Harbour at Antegoa. Total £980 15s. 1 $\frac{1}{2}$ pp. [C.O. 152, 19. ff. 127-128v., 130v.]

Dec. 23.
Whitehall.

575. Council of Trade and Plantations to the King. John Yeaman Esq. one of your Majesty's Council of Antigua, has signified to us that he is determined not to return to that island these three years, and is very willing his name should be left out of the said Council *etc.* *Recommend* that John Duer be appointed. [C.O. 153, 15. p. 124.]

Dec. 23.
St. James's.

576. Order of King in Council. Referring to the Council of Trade and Plantations for their report, four acts of the Massachusetts Bay, 1731, "delivered into the hands of the Clerk of the Council in waiting" by the Agent of the Colony. *Signed*, Temple Stanyan. *Endorsed*, Recd. 3rd, Read 5th Jan., 173 $\frac{1}{2}$. 1 p. *Enclosed*,

576. i. Acts of the Massachusetts Bay, (i) *for the better regulating swine*, (ii) *for the better curing and culling of*

1731. [576. i]

fish, (iii) for encouraging the killing of wild cats, (iv) for assessing taxes of £6818 ; of £20 on the town of Weston for not sending a representative ; of £4109 6s. paid the Representatives for the year 1730-1731 ; and £1000 for the payment of the Council for the same period. Printed. Certified true copy by, J. Willard. Signed, J. Belcher. 14 pp. [C.O. 5, 874. ff. 9, 10, 12-18v., 19v.]

Dec. 25. **577.** Petty expences of the Board of Trade, Michaelmas to Christmas, 1731. (*v. Journal*). 5 pp. [C.O. 388, 80. Nos. 13-16.]

Dec. 29. **578.** Mr. Leheup to Mr. Popple. Encloses following to be laid before the Board. *Signed*, Peter Leheup. *Endorsed*, Reed. 1st Jan., Read 2nd Feb., 173 $\frac{1}{2}$. *Addressed*. $\frac{1}{2}$ p. *Enclosed*,

578. i. A Reply humbly offered on behalf of the Island of Barbadoes to the observations on their petition and to the Address of the Northern Colonies. To the Council of Trade and Plantations. It is needless to enter into a disputation whether the Sugar Islands, or the Northern Colonies are of most advantage to Great Britain, since nothing is desired by the Sugar Islands that can weaken the Northern Colonies, or make them less usefull to Great Britain ; were it really the case that one or other must be abandoned, there is no doubt but that those islands would be preferably supported that yeild sugar and such other commodities only as cannot be produced in Great Britain, rather than those Colonies that build ships, and produce bread, meat and wood in all which they interfere with the vent of the same things from Great Britain. But the advantage to the Sugar Islands, by the prohibition prayed for, is infinitely greater than the prejudice the Northern Colonies can possibly suffer by it, as almost all the produce of the Sugar Islands consists in sugar, rum and melasses, and therefore their whole being depends upon the vent thereof ; which can't be said of the Northern Colonies as to so much of those commodities that they import from forreign parts ; Besides which the Sugar Islands propose by this prohibition to distress the French sugar planters in the vent of their commodities and thereby to make their sugar come dearer to market which would be of great advantage to the trade of Great Britain. It is admitted by the Northern Colonies that they receive from the foreign islands money, indico, cotton wooll etc. and therefore a

1731. [578. i]

prohibition of importing foreign sugar, rum and melasses cannot, as they would have it beleived, put a stop to the vent of their produce to foreigners or the clearing their land. The Northern Colonies complain of any restraint being intended to be put upon their trade, when at the same time they, and not the Sugar Islands, are permitted to send and receive ships directly to and from all parts of Europe. Would not the Northern Colonies justly complain if the Sugar Islands were supplied with lumber and provisions from foreigners ; and does not the same reason hold against the Northern Colonies being supplied from foreigners with sugar rum and melasses ? The same argument lyes also against the monopoly in the case of furnishing lumber and provisions as the other. The monopoly of the Sugar Islands is always industriously made a main argument against the prohibition desired, when both reason and experience shew the weakness of it. There are many Sugar Islands distant from one another and consisting all of numbers of planters independent of each other, and therefore any combination is much more impracticable among them than it is among the tobacco planters or our farmers or manufacturers at home where a combination never takes place ; after the prohibition is obtained, the case as to the monopoly of sugar will be the same as now, it being admitted on all hands that little or no sugar hath been lately imported from the foreign colonies into the Northern, and the prohibition of sugar is only necessary, because that when the foreigners are not allowed to interfere with us in rum and melasses they would if permitted certainly do it with their sugar. Notwithstanding therefore that the Sugar Islands have so farr had the monopoly or sole vending of sugar, yet they have been so farr from putting their own price upon it that it hath every year fallen in price, and is now so low as that severall plantations are abandoned and the rest run in debt every day. If the Sugar Islands reap any advantage, by this prohibition, in the sale of their rum, they will be able to afford their sugar so much the cheaper ; and an advance in the price of rum in New England will be the means of saving many of our own people in America as well as Indians from dying by the excessive use of it. Severall quarrels with the Indians have arisen from their immoderate drinking of rum ; and it is apparent by all the laws passed in America restraining the sale of rum to the Indians that the peltry trade etc. would be better carried on without

1731. [578. i]

it. Should the New England men entice British sailors by the cheapness of rum to winter among them rather than old England, that would be no reason for Great Britain to encourage it when their whole navigation is so largely carried on without any rum at all. The Sugar Islands however can make rum enough for all the Northern Colonies, and as they take lumber and provisions ready prepared from the Northern Colonies, it is but reasonable that they should take in return from our Sugar Islands their melasses distilled into rum, especially since every Sugar Plantation hath a still house already erected for that purpose. The Northern Colonies pretend that a prohibition will oblige the French to make rum themselves when they must know that ever since the French have been allowed a vent for it among them they have made rum, and sent some as well as melasses to New England; so that a prohibition of taking their rum as well as sugar and melasses can be no encouragement to their making or venting it. There can be no likelihood that the Sugar Planters, as alledged, will diminish their quantity of sugar to increase that of melasses, since sugar is much the most valuable; It is much more natural to suppose that as great part of Jamaica lyes uncultivated, and many extended estates lye also uncultivated in the rest of the islands some encouragement to the vent of sugar, rum and melasses will contribute to the better improvement of our lands. On the other hand, if the Northern Colonies show what a loss they are at for answers when they alledge, that the Sugar Islands are greatly mistaken in saying this trade with the French Colonies is contrary to the Treaty in 1686 because the King's Instructions have declared it otherwise; whereas it is only declared in those Instructions that that trade is not against law which must have been admitted by the Sugar Islands when they applied for such a law; But it is apparently so directly forbid by that Treaty that France may at any time by virtue thereof seize any ships of ours trading to their Colonies without England's having any right to reclaim them, and England may seize their ships in like manner. There is also no foundation for saying that the prohibiting the importation of foreign sugar, melasses and rum into Barbadoes hath been the reason of the Planters' present misfortunes, since the disadvantage to the planters was the same or rather greater when they were imported into Barbadoes as when they are imported into the Northern Colonies; and there is

1731. [578. i]

not one instance to be produced, besides this of sugar, rum and melasses, where Great Britain permits those commodities that can be sufficiently produced or manufactured in their Colonies or Great Britain to be imported there or here from foreign parts; and it is humbly hoped that such an additional hardship on the Sugar Islands in their present circumstances will be immediately removed, since otherwise their ruin must inevitably follow. $5\frac{2}{3}$ pp. [C.O. 28, 22. ff. 144, 145-147v., 149v.]

Dec. 29. **579.** H.M. Additional Instruction to Governor Pitt, St. James's. concerning substitute for whale-licences, as ordered 23rd Dec. *supra q.v.* Copy. Signed, G. R. [C.O. 324, 36. ff. 297, 298.]

Dec. 29. **580.** President Rip Van Dam to the Duke of Newcastle. New York. Nothing of moment has happened since his letter of 2nd Nov. The Province is yet in as peaceable a condition as it was at the decease of Colo. Montgomerie *etc.* This ship being (by reason the hard weather setting in, forced to sail for Bristol sooner then it was designed) is the reason I could not now send duplicates of the papers sent in Nov. *etc.* Signed, Rip Van Dam. Endorsed, R. 6th Feb. Addressed. 1 p. [C.O. 5, 1093. f. 223, 224v.]

Dec. 29. **581.** Same to the Council of Trade and Plantations. Refers New York. to letter of 2nd Nov. *Continues:* The Province continues quiet altho' still mightily afflicted with the small pox *etc.* Printed, N.Y. Col. Doc. V. p. 930. Signed, Rip Van Dam. Endorsed, Recd. Read 3rd Feb., 173 $\frac{1}{2}$. Addressed. 1 p. [C.O. 5, 1055. ff. 229, 230v.]

Dec. 29. **582.** Same to Mr. Popple. Encloses a printed book of the New York. laws of Connecticut sent to him by Governor Joseph Taleot in reply to his request (*cf.* 29th Oct.). Has had no answer from the Governor of Rhoad Island. Signed and endorsed as preceding. Addressed. 1 p. [C.O. 5, 1055. ff. 231, 232v.]

Dec. 30. **583.** Mr. Scrope to Mr. Popple. Encloses following. The Treas. Lords Commissioners of H.M. Treasury desire the opinion of Chambers. of the Board what is fit to be done therein *etc.* Signed, J. Scrope. Endorsed, Recd. 31st Dec., 1731, Read 22nd Feb., 173 $\frac{1}{2}$. Addressed. $\frac{3}{4}$ p. Enclosed,

583. i. Petition of Robert Cary, merchant, in behalf of Col. Spotswood, to the Lords Commissioners of H.M. Treasury. Col. Spotswood did in 1722 at the unanimous request of the Assembly of Virginia undertake a journey upwards of 1200 miles to treat with the Indians at Albany and Conestogoe. Experience

1731. [583. i]

has shewn the advantages arising from the treaty he made *etc.* At his return, he had the thankful acknowledgement of the Governor and Council. To perform this service he was at £1600 expence, and has received £1000 only. Upon his application to the Governor and Council for the remainder, they declared it proper to wait for directions from Great Britain, before they came to any determination *etc.* *Prays* for their Lordships' Order for payment of the money remaining due out of the revenue of 2s. pr. hhd. Proofs have been transmitted to the Council of Trade and Plantations *etc.* 29th Dec., 1731. 1 p.

583. ii. Copy of Minutes of Council of Virginia, 9th July, 1730, referred to in preceding. 1½ pp. [C.O., 5, 1322. ff. 222, 223, 224, 224v., 226v., 227v.]

Dec. 31.
Winchelsea.

584. Capt. Waterhous to Mr. Popple. *Encloses following* replies relating to the management of the Fishery at Canço. *Continues* which occur'd to me the same as last year, wth. some difference rather for the worse. The loss of six schooners, the bad spring, and not merchant ships enough to carry off the fish which occasion'd 6000 quintals of merchandable fish to be carry'd to New England, besides a larger quantity of refuge fish than has been known for some years past, so that the exportation of merchandable fish fell short this year *etc.* But the want of proper fortifications discourages people to settle there, their properties not being secur'd to them in case of a rupture wth. the Indians which we were apprehensive of this year, which put us all upon our guard, occasion'd by notions imbib'd into those deluded people by the French, insomuch that they seem'd extremely shy. I asked them the reason, and was answer'd, that the English would kill them: when I clear'd that point they went away well satisfy'd, but they are intirely manag'd by the French, with their annual presents, Priest-craft, and some odd notions of the English breaking with the French. They have began new fortifications at Louisburgh on the hills that overlook the harbour, but the fortifications at St. Peters are wholly laid aside, *etc.* Signed, Tho. Waterhous. *Endorsed*, Reed. 3rd Jan., 173½, Read 6th March, 173¾. 1 p. *Enclosed*,

584. i. Answers to the Heads of Enquiry relating to the Fishery and Trade at Canso. To same effect as those returned 22nd Jan. 1731. v. C.S.P. under date. Signed, Tho. Waterhouse. *Endorsed as preceding.* 2¾ pp.

584. ii. Heads of Enquiry. 30th March, 1731. Copy. 3 pp.

584. iii. Scheme of the Fishery of Canso, 1731. British sack ships, 12, 1015 tons, 108 men; ships from America, 5, = 162 tons, 27 men. Quintals of fish made by the

1731. [584. iii]

inhabitants, 40,000 : carried to foreign markets 24,270 ; price of fish ; 40s. New England money. Inhabitants, exclusive of garrison, 40 ; fishermen who stayed all last winter, 40. *Signed*, Tho. Waterhous. 1 p. [C.O. 217. 6. ff. 159, 160-163r., 164v.]

1731- **585.** Naval Office Returns of vessels entering and clearing
1738. New York, 1731-1738. [C.O. 5, 1225.]

[? 1731]. **586.** Petition of Governor Belcher to the King. Petitioner hath lately received accotts. from New England that Col. Dunbar hath made settlements on lands lying between the River Sagadahock and the Gulph of St. Lawrence, which lands your Majesty's Province of the Massachusetts Bay apprehend to be part of the lands of that Province by the Charter of King William and Q. Mary, *quoted*. *Prays for* H.M. Instructions how to conduct himself in this affair, and that Col. Dunbar may in the meantime be directed to withdraw *etc.* till the right be fully settled. *Signed*, Jonathan Belcher. *Without date*. 1 $\frac{2}{3}$ pp. [C.O. 5, 752. No. 45.]

? 1731. **587.** Mr. Danvers to the Duke of Newcastle. *Recommends* Col. Spencer Phipps residing at Boston in New England, son of Sir Wm. Phipps, as Lt. Governor in the room of Col. Wm. Tailer deed. *Signed*, Jos. Danvers. *Tailer was still living on 21st Jan. 1731. Addressed. Undated*. 1 p. [C.O. 5, 10. No. 188.]

[1731]. **588.** Case of Governor Rogers relating to John Colebrooke. In Dec. 28 Capt. Rogers was appointed Governor of the Bahama Islands and Mr. Colebrooke having proposed going over to settle a house for trade thither, a partnership was concluded on between him and Mr. Whetstone Rogers, son to Governor Rogers *etc.* Messrs. John White and Jacob Jarrold were recommended to the Governor's confidence by Colebrooke and sailed with him, the first was nominated one of the Council, and the latter went over as the Governor's Secretary *etc.* The Governor appointed White Chief Justice and Jarrold Judge of the Vice-Admiralty Court *etc.* Mr. Colebrooke was chosen Speaker of the Assembly, and soon after the post of Treasurer being vacant Colebrooke applied to the Governor for a grant thereof, who not complying therewith it's presum'd was the first occasion of his dissatisfaction, *etc.* *Describes proceedings as June 10 etc.* Mr. Colebrooke insisted on appealing from his sentence (June 10. No. ii) to H.M. in Council immediatly urging that the Governor was predetermin'd and therefore he would not appeal to him, which form that Mr. Colebrooke might have no cause of complaint, the Governor dispens'd with, and granted to him his appeal to H.M. and at the same time releas'd

- [1731]. [588] him from his confinement, on his having entered into recognizances to remain on the island and abide by the sentence if confirm'd, after which Mr. Colebrooke by sinister means prevail'd on part of the Jury to sign a recantation declaring the verdict to be extorted from them and prevail'd on one of them to goe home with Mr. Jarrold *etc.*, who also procur'd other complaints sign'd by such of the Assembly whom Mr. Colebrooke had before influenc'd to oppose the repair of the fortifications and join with him in his invectives against the Governor, which Mr. Jarrold in conjunction with Mr. White are proposing to exhibit against Governor Rogers. *No date or signature.* 3 $\frac{3}{4}$ pp. [C.O. 23, 14. ff. 223-224v.]
- [1731]. **589.** Abstract of letters to and from Governor Hunter and Col. Hayes 1730 and 1731 relating to the sending of the two regiments. *In Mr. Delafaye's hand.* 9 pp. [C.O. 137, 53. ff. 441-445.]
- [1731]. **590.** List of Lieutenant-Governors of the Plantations, 1689-1731. 3 pp. [C.O. 5, 12. ff. 75-76.]
- 1731-
1774. **591.** Corrected drafts of letters and representations from the Council of Trade and Plantations relating to Massachusetts Bay. [C.O. 5, 897.]
- 1731-
1754. **592.** Index to Entry Books, New England documents, 1731-1753. [C.O. 326, 22.]
- 1731-
1759. **593.** Index to Correspondence, Barbados. [C.O. 326, 35.]
- [1722-
1774]. **594.** Corrected drafts of Representations by the Council of Trade and Plantations concerning South Carolina. [C.O. 5, 381.]
1731. **595.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [C.O. 116, 26.]

INDEX.

- Abercromby, James, Attorney General, Carolina South, appointment of, 488 p. 343.
- Act of Parliament, *for ascertaining the rates of foreign coins in H.M. Plantations*, evasion of, in Rhode Island, 539 II.
-, *for better preservation of H.M. Woods in America*, fine imposed under, method of payment for, 49 p. 38.
-, prosecutions under, 49.
-, *for the further preventing robbery etc.*, and *for the more effectual transportation of felons*, 383.
-, violation of, 520 I.
-, Act (25th of Charles II), *for the encouragement of the Greenland and Eastland trades etc.*, 382.
-, concerning Newfoundland fishery and trade, 9.
-, explanation desired, 422 II (m) p. 280.
-, concerning Newfoundland fishing admirals, powers of, 331, 331 I.
-, permitting direct shipments to Portugal, 555.
-, to prevent laws in the Plantations affecting Trade and Navigation in Great Britain, proposed, 473 p. 322.
-, reasons against (Virginia), 473 pp. 322, 323.
-, regulating sugar trade in the Plantations, request for, 475, 494 p. 350.
-, concerning tobacco, 62, 86.
- Adams, —, Councillor, Nova Scotia, document signed by, 427 II.
- Admiralty, Courts in the Plantations. *See under each Colony.*
-, High Court of, case with appeal sent from Boston to, 566.
-, Lords Commissioners of, appeals in the Plantations, 551.
-, Colonel Dunbar's letters sent to, 49.
-, letters from, 69 I.
-, Newfoundland Convoy. Commodore of, Heads of Enquiry for, 150, 151.
-, order by, 69, 69 I.
- Adventure*, H.M.S., 25.
-, *Genoesa* treasure shipped on board of, 25, 25 I, 47, 116.
- Africa, trade with, 386 p. 242.
-, trade with Jamaica, 383.
-, trade with New York, 464.
- Akerman, Benjamin, 377 XI.
- Alatamaha River, a boundary of Carolina, 568 ; and *see under* Carolina, South.
- Albany. *See under* New York.
-, Indians, Colonel Spotswood's meeting with, 583 I.
- Albemarle. *See* Carolina, North.
- Alford, James, deposition of, 353 IX, X.
- Alleganie (Alleganey), Indian settlements at, 478 v.
- Allen, Andrew, letter from, 356 I.
- Anderson, John, Councillor, New Jersey, document signed by, 310 I p. 195.
- Andros, Sir Edmund, patent passed by (1688), 12 p. 6.
- Angel, Samuel, Newfoundland, order concerning stage of, 422 II (y).
- Anne, Queen, letter from, 427 p. 289.
- ANTIGUA ; and *see* Leeward Islands, 464.
-, Act, Chancery, confirmation of, objections to, 41.
-, memorial concerning, 40, 41, 42.
-, constituting a Court of Chancery (1715), referred, 56.
-, for amending the Chancery Act, petition concerning, 30, 31.
-, *for cutting off the entail of lands formerly of John Bradshaw decd. etc.*, confirmation of, 5.
-, to enable Wm. Gregson, etc. (1726) referred, 207.
-, to enable Henry Lyons of Antigua, gent., to dispose of certain lands, etc., referred, 392.
-, to enable Robert Oliver to make good the title of certain lands by him sold to the Hon. Richard Byam, Lt. Gov. etc., opinion upon, 443.
-, referred, 329.
-, *for the further continuance of John Yeamans, as Agent etc.* referred, 318.

ANTIGUA: Act—*contd.*

-, to supply the defects of the Act for constituting a Court of Chancery in the absence of the Commander in Chief from the Island, disallowance proposed, 200.
- disallowed, 552 i.
- objections to, 200, 365.
- opinion upon, 200.
- petition in favour of, 200.
-, to supply the defects of an act for constituting a Court of Chancery etc. (1728) referred, 56.
-, repeal of, 366.
- representation upon, 200.
- Acts of, confirmed, 385.
- opinion upon, 76.
- agent for. *See* Yeamans, John.
- Assembly of, 560.
-, Speaker of. *See* Freeman, Tho.
-, Catherine sloop, case of, 69 i.
-, Council, Clerk of. *See* Crump, Nath.
- persons proposed for, 546.
-, President to hold Chancery Courts, act proposing, 200.
-, Councillors. *See* Morris, John; Byam, Wm.; Duer, John; Yeamans, John.
- Courts, Chancery, in, 544.
-, Chancellor recommended to preside over, 200.
- instructions concerning, 552 i.
-, officers to preside in. Act regulating, 200.
- defence of, 393.
-, English Harbour, defence of, 325.
-, fort at, guns and stores of war for, 393, 574, 574 i.
-, storehouses built at, 393.
-, fort at, stores of war for, 325.
- Governor of. *See* Cosby, Col.
-, powers of, 76.
- inhabitants, decrease of, 494 p. 348.
-, Lieutenant Governor of. *See* Byam, Edw.
-, to act in absence of Captain and Lieut.-General, petition concerning, 183.
- power to hold Chancery Courts, Act concerning, 200.
-, Council and Assembly, representation from, 494, 495 i, 509.
-, merchants and planters trading to, petition of, 30.
-, reply to, 31.

ANTIGUA—*contd.*

- rum, sugar manufacture in, 494 p. 349.
-, situation of, importance of, 183.
-, stores of war for, 570, 574.
-, Sugar duties, 560, 561.
- Sugar trade, representation upon, 560.
- trade, 560, 561.
- Arbutnot, George, King's Remembrancer's office, document signed by, 452.
- Arcedeckne, —, Jamaica, questions offered to Assembly by, 50, 50 i.
- Armistead, Henry, Virginia, not appointed as Councillor, 199.
-, recommended for Council, 52, 567 p. 390.
- Armstrong, Lawrence, Colonel, Lieut. Governor of Nova Scotia, to act as Governor, order to, 91, 91 i.
- assumes Government in Governor's absence, 324.
- letter from, 427, 493.
- letter to, 91.
-, petition of dismissed, 82.
- representation to, 427 ii.
-, salary of, 82.
- Arnold, Rd., Secretary at War Office, letter from, 60.
- Arrowsick Island, 217 p. 122.
- Indians, peace with, ratified at, 353 xi.
- inhabitants of, 353 xi, xii, xiii.
- settlement on, 353 xi, xii, xiii.
- Ascroft, —, Jamaica, guide to party against Port Antonio negroes, 550 iii, iv.
- Ashe, —, Councillor, Carolina North, 404.
- Ashley, John, Councillor, Barbados, 19, 20.
- activities of, 106.
- appointment of, 189.
- Ashworth, Jasper, Major, J.P. and Chief Commissary at Port Antonio, Jamaica, letter from, 550, 550 iii.
- letter to, 550 ix.
- Aspenwald, Captain, document signed by, 212.
- Assiento, the, contract with, 383.
- Atkinson, Theodore, Collector, New Hampshire, deposition of, 291 i, 302 i, 377 vi.
- dispute with Governor Belcher, 374.
- document signed by, 29 ii, 291 ii, 373 iii, 455 x.
- proposed for Council, 499.
- recommended for Council, 291 p. 178, 462.

Atlas, a new general, (1721), maps in. by Senex, 89 i.
 incorrect. 89 i.
 Attorney General, the. *See* Yorke, P.; Northey, Sir E.
 Auchmuty, Robert, Advocate General, Massachusetts Bay. letter from, 6 ii. iii, 12, 12 iii.
 Ayscough, John, Councillor and President of Council. Jamaica. absence of, 83 i.
 letter from, 348.
 letter to, 209.
 petition of, 83, 83 i.
 recommendation of, 104.
 report from, 349.
 restoration of, 145, 154, 165.
 ordered, 204.
 return of, 154.
 superseded, 83 i. ii.

B.

BAHAMA ISLANDS, THE :

..... Abacoa uninhabited, 439 iv.
 Act for better governing slaves, criticism of, 71 i.
 Act for *levying divers sums to defray the expenses of the islands*, objection to, 71 i.
 Acts of (12), referred, 227.
 remarks on, 71, 71 i.
 Assembly of, Acts of, duplicates of, 47.
 bond for repayments of sums levied during Governor Phenney's administration, 191 i.
 dissolution of, 47.
 factions against Governor in, 46, 47 p. 34.
 Governor Phenney's administration, 222.
 inexperience of, 123.
 influenced by Mr. Colebrooke, 588.
 journal of, 55 i.
 new, 339.
 Speaker of. *See* Colebrooke, John.
 Buninies. uninhabited, 439 iv.
 Cat Island, 123.
 uninhabited, 439 iv.
 Chief Justice of. *See* White, John.
 Mr. Colebrooke's trial in, Attorney General's attitude, 436.
 Columba, uninhabited, 439 iv.
 condition of, account of, 339.

BAHAMA ISLANDS, THE—*contd.*

..... Council of, certificate concerning Fort Nassau repairs made by Governor Phenney, 191 ii.
 factions against Governor in, 47, 47 p. 34.
 and Governor Phenney's administration, 191 i.
 Council and Assembly, Minutes of, 438, 438 i, 439.
 Councillors. *See* White; Jenner.
 Court, Vice Admiralty, Judge of. *See* Jarrold, Jacob.
 defence of, 438, 534.
 against Spaniards, 122 i.
 duties, account of, 439 ii, iii.
 fortifications of, 231.
 built at Governor Rogers' expense, 339.
 condition of, 47.
 equipped by Governor Phenney, 222.
 garrison of, ill-health of, 439.
 opposition to repair of, 47.
 quarters built by Governor Rogers, 439.
 repair of, by Governor Rogers, 438.
 obstruction to, 438.
 stores of war for, 122 i.
 Fort Nassau, Governor Phenney's repair of, 191 i, ii.
 Garrison of, 47.
 encouraged to mutiny, 231.
 officers and soldiers debarred from voting as freeholders, 47.
 provisions for, 222.
 Governor of. *See* Phenney, George; Rogers, Woodes.
 Grand Bahama uninhabited, 439 iv.
 Grand Jury, Mr. Colebrooke indicted and sentenced by, 231, 231 i, ii (a) (b).
 protest against composition of, 231 ii (a).
 Governor's attitude towards, 231 ii (b).
 Harbour Island, inhabitants on, 439 i, iv.
 lands on, 439 iv.
 Independent Company from Bermuda at. 60, 60 i; 527.
 order for return of, 572.
 return of, urged, 534.
 inhabitants of, account of, 439, 439 i.
 encouragement to settle, 439.
 list of, 439 i, iv.

- BAHAMA ISLANDS, THE—*contd.*
 inhabitants of—*contd.*
, protest by, 231 II (a).
 Islathera, inhabitants on, 439 I,
 IV.
, land on, 439 IV.
, land in, grants of, 122 I.
, lease of, value of, 121, 122 I.
, lessees of, improvements
 made by, 122 I.
, queries concerning,
 121.
, reply to, 122 I.
, proposal to take over by
 the Crown, 439.
, titles to, precarious, 339.
, latitudes and longitudes, 439 IV.
, lease of, 122.
, copy, 138.
, Lessees of, surrender by, 84.
, Lords Proprietors of, lands of,
 rent for, 121, 122 I.
, letter from, copy of, 84 II.
, New Providence, Fort Nassau,
 draft of design of, 212.
, Independent Company from
 Bermuda at, return of, urged, 35,
 472, 507 I.
, Petty Jury, Mr. Colebrooke tried
 by, 231.
, composition of, 231 II (b).
, pirates, danger from, 231.
, expelled from, 122 I.
, planters, encouragement of, 339.
, position of, 527.
, proposal to transport negroes from
 Jamaica to uninhabited islands in,
 300 I.
, Providence, cattle on, 439 IV.
, Fort Nassau, guardroom for,
 439 IV.
, guns for, 439 IV.
, fortifications at, condition
 of, remarks upon, 55 III.
, inhabitants on, 439 I, IV.
, lands on, 439 IV.
, Quarter Sessions, approval of
 Governor Phenny's levies, 222.
, queries concerning, delay in reply-
 ing to, 123.
, Receiver of Sixpenny Office
 money, instructions concerning, 47.
, revenue of, 439 IV.
, sloops seized by Spaniards, 47.
, Spaniards, danger from, 231.
, survey of, 439.
, by Captain Gascoyne, 123.
, Turks Island, 35.
, uninhabited islands of, 439 IV.
, Watlings Island, uninhabited,
 439 IV.
- Baird, Pat, Registrar, Philadelphia,
 document signed by, 479 I.
 Baker, Capt., R.N., 445 I.
 Ballenden, —, Captain, death of, 92.
 Baltimore, Lord. *See* Calvert, Charles.
 Banks, Capt., 47.
 BARBADOS:
, Act *laying a duty on all foreign*
sugars, molasses, rum etc. imported,
 copy required, 124, 125.
, order confirming, 125.
, Act, Excise, 106.
, dispute concerning,
 542, 565, 565 II.
, Act prohibiting the French from
 bringing sugar to Barbados (1715)
 effect of, 561 p. 385.
, Act *for supporting the honour and*
dignity of the Government, 106, 313.
, Agents for, value of, 432. *And*
see Leheup; Forster.
, arrears of 2/6 levy referred to
 H.M. Treasury, 216, 216 I, II.
, Assembly of, 17, 560.
, Act concerning rebellious
 negroes, 433.
, address from, 432.
, appointment of agents by,
 19.
, Clerk of, *see* Warren,
 Robert.
, Deputy Clerk of. *See*
 Granger, Thomas.
, salary of, 106.
, conduct of, 106.
, journal of, 18 I.
, minutes of, 20, 106.
, petition of, against
 Governor Worsley, hearing of, 106.
, dismissed, 106.
, question of Governor's
 salary, 556.
, representation from, 386,
 475, 475 I, 509.
, Speaker of. *See* Peers.
, Attorney General of, 106.
, condition of, 106, 475.
, correspondence, Index to, 593.
, Council of, 19.
, address to Governor, 106.
, conduct of, 106.
, elections for Assemblymen
 and vestrymen, oath to be taken,
 nature of, 20, 20 I-III.
, influenced by Governor,
 432.
, President. *See* Barwick,
 Samuel; Cox.
, Council and Assembly of,
 Governor's speech to, 17.
, minutes of, 106.

BARBADOS—*contd.*

-, Councillors. *See* Davers, J.; Ashley, John; Haggett, Othniel; Weeks, Ralph.
-, English settlement on Tobago assisted from, 413 i.
-, Excise, account of, 107 II-IV.
-, Government of, 498.
-, Governor of. *See* Lowther, Robert; Worsley, Henry; Chetwynd, Walter; Granville, Sir Beville.
-, additional instructions of, petition against, 322 i.
-, perquisites of, 384, 525.
-, salary of, Act making provision for, 313.
-, enquiry concerning, 322.
-, petition concerning, 322 i.
-, Governor and Council, case of George Culpeper, 20 i.
-, Governor, Council and Assembly, accounts of Lord Micklethwait and Francis Whitworth, 503 i.
-, hurricane in, 475.
-, damage from, 386 p. 245.
-, imports of, 386 p. 242.
-, inhabitants of, petition from, 578 i.
-, levy of 2/6, fines for non-payment of, 17.
-, paid, list of persons, 17 i, 19.
-, Treasurer's account of, 17, 19.
-, unpaid, list of persons, 17 II, 19.
-, lumber, scarcity of, 386 p. 245.
-, merchant of, English carpenters sent to Sta. Lucia by, 400.
-, Merchants, Planters and traders, petition of, 322 i, 346, 347.
-, reply to, 556.
-, merchants and ship-owners trading to, petition from, 39 i, II.
-, naval officers, list of, required, 498.
-, negroes, imports of, account of, 107 II-IV.
-, poll tax, evasion of, 106.
-, prosecutions in-expedient, 106.
-, Patent Officers in, 19.
-, Planters, traders and inhabitants of, petition of, 137.
-, referred to Parliament, 137.
-, produce of, 386 p. 242.

BARBADOS—*contd.*

-, Provost Marshall of. *See* Reynolds.
-, deputy for, 19, 19 i, II.
-, public accounts, Committee of, minutes of, 106, 107 i.
-, St. Michael's Parish, 20 II.
-, St. Philip's Parish, election of vestrymen in, 20 i, II, III.
-, Secretary of. *See* Webster; Whitworth, Francis; Micklethwaite, Lord.
-, salary of, 106.
-, sugar duty, 560, 561.
-, sugar trade, between Northern Colonies and French, effect of, 475.
-, petition concerning, 39, 39 i, II.
-, representation upon, 561.
-, Summonses in, 548 p. 370.
-, trade of, 406 p. 258, 560, 561.
-, declining, 432.
-, French, increase of, 106.
-, illegal, 473 p. 325.
-, Treasurer of, 106.
-, accounts of, 17, 19, 107 II-IV; *and see* Plaxton, George; Hothersall, Burch.
-, vessel built at St. Lucia, question of registering 400, 405, 405 i.
- Bard, Peter, Councillor, New Jersey, document signed by, 310 i p. 195.
- Barker, —, 291 p. 176.
- Barnesley, —, Captain, R.N., 57, 59.
-, survey of Leeward Islands by, 59.
- Barus, John, St. John, Newfoundland, order to, 422 II (v).
- Barracoa, 485.
- Barwick, Samuel, President of Council, Barbados, Government assumed by, 430, 431, 498.
-, letter from, 430, 431.
-, letter to, 498.
- Bassett, William, Virginia, recommended for Council, 567 p. 390.
- Bax, —, Capt., R.N., 374.
- Beake, Thomas, agent for St. Christopher, memorial from, 569, 570.
-, petition of, 188 i, 442.
-, report upon, 570.
- Becker, Dr. John, *Political Discourses* in Dutch, 389 i.
- Belch, Joseph, druggist, London, document signed by, 94.
- Belcher, Jonathan, Governor of Massachusetts Bay and New Hampshire, 217 p. 127.
-, case of Theodore Atkinson, 374.

Belcher, Jonathan—*contd.*

- certificate of, 80 i.
- charges against Colonel Dunbar, 12.
- commendation of, 459 i.
- Commissions from, 377 vi.
- Commission of, 13.
- extract concerning appointment of Collector, 410 ii.
- Conference with Col. Dunbar, 12, 12 iii.
- Col. Dunbar's appointment as Lieut. Governor proclaimed, 288, 291.
- Col. Dunbar's removal from office urged, 297.
- difficulties with Assembly, 126, 136.
- dispute with Colonel Dunbar, 6, 6 ii, iii, 12, 16, 28 iv, 66, 66 i, 72, 77, 157, 291 p, 175, 293, 297, 299, 302, 321, 373 i, 377, 377 iv, viii, xi, 378, 397, 410, 455 p, 303, 455 ii, xi, 457, 467, 469, 499, 500.
- opinion of Council of Trade and Plantations upon, 467, 469.
- document signed by, 355 i, 410 i, 484 ii.
- expenses incurred by, 236.
- instructions from, 28 i, ii, 66 ix, 373 i, ii, 377, 467, 469.
- instructions to, 28, 53, 230, 236, 244, 345, 350, 354, 410, 457, 499, 538, 539 ii.
- copy of clause of, 377 x.
- difficulties in complying with, 244.
- House of Representatives' objection to, 157.
- memorial concerning, 157.
- (36th) interpretation of, 320, 320 i.
- (38th) copy of, 377 ii.
- additional, 6, 13 ii, 383A, 528, 540 ii.
- draft of, 350 i.
- letter from, 6, 12 i, 13, 16, 23, 28, 29, 66 i, ii, 72, 73, 81, 81 i, 126, 126 i, 136, 157, 158, 208, 230, 236, 238, 291 iii, 293, 294, 297, 320, 321, 373 ii, 377 iv, viii, xi, 378-380, 387, 388, 397, 455-457, 461, 484, 528, 539.
- letter to, 6 ii, iii, 53, 230, 372, 373 i, 377 iii, 383A, 499.
- memorial by, 13, 13 i, 16.
- military expedition to Fredericksfort, denial of, 13, 16, 126.
- explanation of, 13, 16.
- opposition to Col. Dunbar's appointment as Lt.-Gov., N.H., 157.
- orders by, 291, 301 i, ii, 302 i.
- packet for, 12, 12 i.
- passes for vessels issued by, 410, 410 iv.
- petition from, 586.
- petition in favour of, 394.
- proclamation by, 6, 13 ii, 136, 157 ii.
- queries to, 73.
- reply to, 126, 126 ii.
- refuses Col. Dunbar admission to Fort William and Mary, Lords Commissioners' disapproval of, 499.
- representation to, 499.
- salary of, 12, 23, 53, 334, 335, 455, 457, 459 i, 499, 528, 538.
- Act concerning, 81 i.
- assent recommended, 350, 350 i.
- passed by Council and Assembly, 157 i.
- Assembly's attitude towards, 126, 126 i, 136, 230, 236, 238, 244.
- memorial concerning, 345 i.
- new Assembly refuses to vote, 208.
- settlement of, 461.
- son of. *See* Belcher, Jonathan, junior.
- speech of, 126 i.
- warrant by, 377 i.
- junior, son of Governor Belcher, 531.
- in England, 461.
- legal studies of, 461.
- letter from, 334.
- memorial from, 345, 345 i.
- petition of, 350.
- Benson, Jon., Bideford, letter from, 444.
- Bentinck, William Henry, Earl of Portland, 1st Duke of Portland, late Governor of Jamaica, 434 i.
- BERMUDA :
 - Act for the attaching the goods or effects of any persons, inhabitants, or others not residing upon these islands, 307.
 - referred, 522.

BERMUDA—*contd.*

-, Act for extirpating all free Indians, mulattoes, etc. so as they do not remain in these islands above the space of six months, referred, 115.
-, Act for the further and better regulating negroes and other slaves, and for the more effectual and speedy way of prosecuting them in criminal causes, 307.
-, referred, 115.
-, Act to prevent attorneys defending titles of lands and tenements without giving security to make good costs and damages, 307.
-, referred, 522.
-, Act to prevent any person keeping any dredge or other instrument to drag up oysters etc. referred, 115.
-, Act to supply the deficiency of several funds etc. and for defraying the charges of the Government, 307, 307 l.
-, referred, 522.
-, Act concerning punishment of negroes, 34.
-, Act for raising a sum of money for payment of the public debt referred, 115.
-, Act for the security of the subject to prevent the forfeiture of life and estate etc. referred 115.
-, Acts (5) of, referred, 115.
-, transmitted, 35, 304, 307.
-, Assembly, Governor's salary, in lieu of whale licences, 573.
-, reduced, compensation proposed, 171.
-, Journals of, 304, 307.
-, Council and Assembly, 472.
-, address from, 35.
-, Court of Admiralty, proceeding of, 35 l.
-, danger from Spaniards, 534.
-, defence of, 472, 534.
-, small man-of-war asked for, 472.
-, fortifications, 307 l.
-, repair of, 307 l.
-, Governor of, salary reduced by Instructions concerning whale fishery, 177; and see Noden.
-, hurricane at, galleons wrecked in, 433 p. 292.
-, imports, 307 l.
-, Independent Co. of, at Bahamas, 60, 60 l, 527.
-, effect of, 60 l.

BERMUDA—*contd.*

- Independent Co. of, at Bahamas—*contd.*
-, recall of, order for, 572.
-, petition for, 182.
-, urged, 35, 60 l, 472, 507 l.
-, representation upon, 534.
-, inhabitants, 307 l.
-, decrease of, 307 l.
-, Lieutenant-Governor of. See Pitt, John.
-, merchants trading with, petition of, 60 l, 182, 507 l.
-, militia, 307.
-, negroes, white inhabitants poisoned by, 60 l, 507 l, 534.
-, punishment for, 34.
-, insolence of, 507 l.
-, rebellious, 472, 507 l, 534.
-, pirates, danger from, 472.
-, numerous, 472.
-, shipping, 307 l, 406 p. 261.
-, trade of, 473 p. 326.
-, whale fishing, instructions concerning, 33.
-, Governor's salary affected by, 171.
-, whale licences; and see Pitt, John, 573, 579.
-, white inhabitants poisoned by negroes, 60 l, 507 l, 534.
- Bertie, Edward, Secretary of Carolina S., appointment of, l.
-, Henry, document signed by, 403.
-, James, a Lord Proprietor of Carolina, certificate by, 305.
- Berwick, N. H., 217 p. 123.
- Biscay, Bay of, 555.
- Bladen, Martin, pacquets for, receipts for, 410 m.
- Blain, John, deputy Receiver-General, Virginia, document signed by, 290 l, II, IV.
- Blair, James, Councillor, Virginia, document signed by, 473.
- Blake, Martin, St. Christopher, petition of, 505 l.
-, Mary Ann, wife of Patrick, lands in St. Kitts, claim to, 505 l.
-, Patrick, St. Christopher, petition of, 505 l, 523.
-, Thomas, Agent of St. Christopher, petition of, 554.
- Blomberg, Mons. de, Agent for Duke of Courland (1686), 413 l.
- Blower, John, (captain, deposition of, 353 x.

- Blundell, Bryan, Liverpool, memorial of loss and damage, 440.
- Bodkin, Andrew, St. Christopher, estate of, claim to, 505 i, 571 p. 394.
- Bonde, Count, Stockholm, 389 ii.
- Bonham, —, petition of, report upon, 338.
- Bonnet, Lewis, letter from, 46.
- Boston, Church plate for, brought by Gov. Belcher, 291 p. 177.
-, Court, General, trial of rioters at, 73 i, ii-xvi.
-, Court, Vice-Admiralty, case and appeal sent home by Colonel Dunbar, 447, 551, 566.
-, Judge for, need of, 377 p. 233; and *see* Jeffrey, George; Byfield.
-, shipwrights from, for Taunton, N.E., 88.
-, trade, illegal, 494.
- Boston Gazette*, Colonel Dunbar's notice in, 12 iv.
-, extract from, 321 i.
- Boudet, Michel, debt of, order to pay, 422 ii (*d*). (*e*).
- Bowen, —, Capt., commanding companies at Titchfield, Jamaica, instructions to, 550 i.
- Boyd, Augustus, St. Kitts, lands of Bodkin claimed by, 505 i, 571 p. 394.
- Boydell, John, Registrar, New Hampshire, document certified by, 410 v.
- Bradford, J., New Hampshire, document signed by, 291 ii.
- Bradshaw, John, Antigua, lands of, Act concerning, 5.
- Brancker, Evert, Commissioner for Indian affairs, document signed by, 478 ii.
- Brandreth, —, Capt., death of, 92.
- Bray, David, Councillor, Virginia, appointment of, 235, 237.
-, , warrant for, 243.
-, , recommended for Council, 186, 199.
- Bread Colony. *See* Pennsylvania.
- Bridge, —, Captain, R.N., 27.
- Bridger*, H.M.S., 430.
- Bristol, merchants of, petition of, 290 p. 171, 328, 383.
- Brock, Willm., New Hampshire, document signed by, 291 ii.
- Brooke, John, Capt., Captain of Militia, and Member of Assembly, Jamaica, commands party against rebellious negroes, 486.
-, , instructions for, 550 ii.
- Brooke (Brooks), Nathaniel, Newfoundland, letter from, 422 iv (*d*). (*f*).
-, , letter to, 422 iv (*e*). (*g*).
- Brooks, John, Placentia, document signed by, 421 ii.
- Brooks—*contd.*
-, William, Fishing Rear Admiral, Placentia, document signed by, 421 ii.
- Broughton, John, surety for Lt.-Gov. Ogle, 303, 371.
- Brown (Browne), J., or T., Judge of Vice-Admiralty Court, Pennsylvania, case of, papers transmitted, 143.
-, , charges against, 465.
-, , reply to, 362.
-, , commission of, 337, 337 i, ii.
-, , complaint by, 205.
-, , against Lieut.-Governor Gordon, 337, 337 i, ii.
-, , dispute with Lt.-Governor Gordon, 205, 423.
-, , dismissal of, 337 i, ii.
-, , letter from, 337 ii, 362, 423, 465.
-, , letter to, 337 i.
- Brown, John, Nova Scotia, claim by, 217 p. 121.
-, , land of, purchased in 1625, 6 i.
-, , junr., Rhode Island, document signed by, 402 i, 539 ii.
-, R., Rear (Fishing) Admiral, Newfoundland, document signed by, 333 i.
- Brudenell, —, letter to, 390.
- Brunswick, Fort George, 28 iv.
- Buchanan, Moses, Surgeon, deposition of, 135.
-, Thomas, Justice of the Peace, Placentia, complaint by, 422 ii (*h*).
-, , petition of, 422 ii (*d*).
- Burchett, J., Secretary of the Admiralty, enquiry concerning Vice-Admiralty Court, Pennsylvania, 337 i.
-, , letter from, 43, 151, 184, 551.
-, , letter to, 111, 113, 128, 133, 150, 185, 447, 480.
-, , papers transmitted to, 566.
- Burnet, William, late Governor of Massachusetts Bay and New Hampshire, 12, 457.
-, , children of, money due to, not paid, 157.
-, , complaint against, 297.
-, , instruction of, 410 p. 264.
- Burrington, George, Governor of Carolina North, Cape Fear Settlement carried on by, 195 i.
-, , complaint against, 559.
-, , commendation of, 195 i.
-, , instructions of, 195 i, 404.
-, , additional, 540 ii.
-, , letter from, 404.
-, , letter to, 404 i, ii.

Burish, —, 316.
 Bury, —, 399.
 Butland, John, fisherman, Newfoundland, 422 iv (*a*).
, deposition of, 422 iv (*h*).
 Butler, John, servant, Newfoundland, conduct of, 422 iv (*i*).
 Byam, Edward, Major-General, Lieut. Governor, Antigua, document signed by, 494.
, Richard, lands of, 329.
, Wm., Councillor, Antigua, death of, 557.
 Byfield, —, Judge of Vice-Admiralty Court, Boston, case tried by, 556.
, complaint against, 301.
 Byng, Robert, Receiver-General, Jamaica, 420.
, Receiver-General, Pa., 423.
 Byrd, W., Councillor, Virginia, document signed by, 473.
, letter from, 404 ii.

C.

Cable, Nicholas, Newfoundland, servant of, conduct of, 422 iv (*i*).
 Cadiz, 25, 47, 484 i.
 Calvert, Benedict Leonard, Lt. Governor of Maryland, address to, 375.
, bond of, 330.
, instructions of, 451.
 Calvert, Charles, Baron Baltimore, Governor and Proprietor of Maryland, bond for Lieut. Governor Ogle, 371.
, draft of, 341.
, instructions from, 451, 454.
, instructions to, 518.
, lands of, 453.
, lands near Great Mountains, Virginia, petition concerning, referred to, 471.
, letter from, 303.
, patent of, 89 i p. 60.
 Campbell, —, Colonel, Jamaica, letter from, 25 iii.
, Geo., executor of Joshua Wroe, 422 ii (*f*).
 Canada; *and see* France and the French; Oswego; New York.
, French in, 126 ii (xvi).
, claims of, 89 ii.
, settlements in, 112.
, trade with Indians, 89 i, ii.
, Governor of, despatches from, 245.
 Canada—*contd.*
, rivers of, navigation of, report upon, 125.
, trade of, representation concerning, 75.
 Canso, defence of inadequate, 584.
, description of, 24.
, fishery of, 427 p. 239.
, account of method of, 24.
, encouragement of, 113 i.
, Heads of enquiry, 24 iii, 113 i, 584 ii.
, reply to, 24 v, 584, 584 i.
, protection for, 113 i.
, scheme of, 24 iv, 113 ii, 584, 584 iii.
, H.M.S. *Winchelsea* to guard, 113 i.
, French fishery at, enquiry concerning, 113 i.
, Garrison at, 24 v.
, officers' interest in fishery, enquiry concerning, 113 i.
, Governor Philipps visits, 324.
, Col. Philipps' regiment at, 217 p. 126.
, Indians at, 24, 24 v.
, inhabitants of, summer population, 24 v.
, trade of, 113 i.
, Settlements at, instructions concerning, 49.
, settling of, 427 p. 287.
, Gulf of, St. Peters, French at, 24.
 Cape Breton, French at, 126 ii (xvi).
, activities of, 422 ii (*m*).
, fishery at, 113 i.
, ships at, numbers of, 24 v.
, new settlements by, 406 p. 261.
, trade with Nova Scotia, 427 p. 289.
 Cape Fear, 382.
, river, 404.
, settlement at, 195 i.
 Cape François, Spanish galleons at, 433, p. 292.
 Cargill, David, New Hampshire, document signed by, 291 ii.
 Caribbean Islands, trade with, 528 p. 360.
, with New Hampshire, 126 ii.
 Carkesse, Charles, Secretary to Commissioners of Customs, 62.
, letter from, 85, 405.
, letter to, 74, 400, 481.
 CAROLINA, 67.
, boundaries of, 89 iii, 568.
, Charter of, new, boundaries under, 568.

CAROLINA—*contd.*

- Indians, 89 II p. 66.
- lands in. certificate concerning, 403.
- grants of, 568.
- exchange of, 305.
- Lords Proprietors of, grants to, 89 II.
- lands of, surrender to the Crown, 305.
- patent granted by Charles II to, 568.
- sugar, rum, molasses imported from, account of, 63, 65 I.
- trade of, 406 p. 260, 528 p. 360.
- CAROLINA NORTH. Act for biennial Assemblies, reasons against, 404.
- Act relating to escheated lands, 404.
- Acts (1729) of, instructions awaited, 404.
- Albemarle County, inhabitants of, memorial from, 382.
- petition of, 323.
- Assembly of, 195.
- address of, 195 I.
- journal of, 195.
- new, meeting of, 404.
- proposal to alter distribution of seats, 404.
- prorogation of, 404.
- Speaker of. *See* Moseley, E.
- Auditor for, 404.
- bills of credit, account of, 404.
- boundaries with Virginia, 404.
- Cape Fear, settlement at, 195 I.
- Chief Justice of. *See* Smith; Palin, John.
- Chowan, 404 II.
- climate of, 404 I.
- coins, currency, value of, 404.
- conditions in, 404 II.
- representation of, 195.
- Council of, absentees, 404.
- Governor's power to fill vacancies in, 404, 404 I.
- persons recommended for, 404.
- and assembly and planters, petition from, 559.
- Councillors. *See* Ashe; Lovick; Gale, Edmund; Smith, E.; Porter.
- Court, Admiralty, difficulty in holding, 404.
- Judge of. *See* Porter, Edmund.
- General, difficulty in holding, 404.

CAROLINA NORTH—*contd.*

- fortifications for, inhabitants against, 404.
- Governor of. *See* Burrington, George.
- harbours, inadequate, 323.
- survey of, 404.
- House of Burgesses, 404.
- Indians, 404.
- land of, ore found on, 404.
- inhabitants of, good disposition of, 195.
- lands in, grant of, 404.
- new settlers for, 404.
- map of, 195.
- militia, 404.
- ports in, 382.
- purchase of, by the Crown, 195 I.
- quit rents, 404.
- riots in, cessation of, 404.
- seal for, warrant for, 3.
- settlement of Southern part of, 404.
- settlers, new, in, 404.
- state of. Committee to report upon, 195 I.
- Surveyor-General of. *See* Moseley, E.
- tobacco from, prohibited in Virginia, 86.
- tobacco trade affected by Virginia Act, 1726, 323.
- CAROLINA SOUTH. Act appointing an agent to solicit the affairs of this Province in Great Britain, Governor's assent to, 488.
- Act for appropriating £104,775 ls. 3½d. towards the payment of public debts, Governor's assent to, 488.
- Act for ascertaining the prices of land, clause confirming titles, 488 pp. 341-2.
- repeal of, 488 p. 341.
- Act for ascertaining H.M. quit-rents, 488 I.
- suspended, 555.
- Act for the better regulation of the Indian trade, Governor's assent to, 488.
- Act, Capias, 548 p. 370.
- Act confirming the ancient and approved method of drawing juries by balloting etc., Governor's assent to, 488.
- Act for erecting two chappels at Santee, Governor's assent to, 488.
- Act for establishing five ferries, Governor's assent to, 488.

CAROLINA SOUTH—*contd.*

- Act for obliging persons living and residing in the several counties and precincts to serve on juries in Charles Town. Governor's assent to, 488.
- Act for raising £27,905. passed, 488 p. 343.
- Act for regulating the juries. clause concerning Precinct Courts, 368.
- Act for remission of arrears of quit-rent, Governor's assent to, 488.
- Act for reprinting the currency. Governor's assent to, 488.
- Act to revive several laws. Governor's assent to, 488.
- Act for settling Courts of Justice *etc.*, 99.
- inconveniences of, 488 p. 343.
- Act for the better settling of the Courts of Justice. clause concerning Provost Marshall, to be suspended, 120.
- objection to, 120.
- Act for settling the titles of the inhabitants *etc.*, repeal of clause in, 488 p. 343.
- Act, Summons (Jury bill), 388, 450, 450 I. 548.
- repealing Act to, annulment urged, 450 I.
- revival urged, 450 I.
- Act suspending the sinking the present paper bills. effect of, 488 p. 342.
- Act, Tax, 1731. Governor's assent to, 488.
- Acts of, copies required, 501.
- Alatomaha, fort or barracks at, 488 p. 343.
- troops for, 488 p. 343.
- Assembly of, 368.
- address from, 103 I.
- clerks appointed by, contrary to instructions, 501.
- gift to Governor Johnson, 488 p. 344.
- good disposition of, 102.
- journal of, 488.
- meeting and adjournment of, 488 p. 344.
- question of appointment of Clerks of, 102.
- Speaker of. *See* Lloyd, John.
- vote for building forts and barracks, 488 p. 343.
- Attorney General. *See* Abercromby, James.
- cattle in, 488 I.

CAROLINA SOUTH—*contd.*

- Chancery. Master of. *See* Gregory, Theophilus.
- Charles Town, 488 I.
- Chief Justice of. *See* Wright, Robert; Trott, Nicholas.
- salary of, 488 p. 344.
- civil actions in. method of summons, 388, 450 I. 488 p. 341, 548.
- Coins. currency, bills of credit. continuance of, 103 I.
- paper money, need for, 488 p. 342.
- Council of, minutes of, 488, 488 IV, VIII, IX.
- President of. *See* Middleton, Arthur.
- Surveyor-General of Customs to be member of, 543.
- Council and Assembly, address from, 102.
- debate on quit rents, 488, p. 341.
- Councillors. *See* Yonge, Fra.
- Courts in, closed for want of jury, 488 p. 343.
- method of procedure, 368.
- debts in, 548 p. 370.
- actions for, 488 p. 343.
- divisions in, 120.
- duties in, 488 I.
- establishment of Charitable Colony in, Charter for, 36.
- conditions governing, 7, 7 I, 15.
- Courts for, 7 I, 15.
- petition for, 7 I, 15.
- report upon, 36.
- alteration in, 7, 7 I; and *see* Oglethorpe; Percival.
- fortifications ruined by hurricane, repair of, 488 p. 344.
- Governor of. *See* More; Johnson, Robert; Nicholson, Francis.
- salary of, Act settling, 450.
- hemp and flax, 488 I.
- imports and exports, tariff of duties on, 488 III.
- Independent Company at, 488 p. 344.
- Indians, Cherokee Chiefs' visit to England, success of, 120.
- lands in, grants of, 555.
- form for, 488 V.
- methods of, 488 p. 344, 488 IV.
- registration of, 488 p. 341.
- survey of, warrants for, 488 VI.

CAROLINA SOUTH—*contd.*

- lands in—*contd.*
-, title to, 488 p. 341, 555.
-, Lieut.-Governor and Council of, address from, 103 II.
-, Lords Proprietors, Commission of Chief Justice to Nicholas Trott, copy of, 488, 488 VII, VIII.
-, dispute concerning lands and quit rents, 488 p. 341.
-, Naval Officer, accounts of, 488, 488 I, II.
-, naval stores, 488 I.
-, negroes in, 488 I.
-, duty on, 488 I.
-, imported, 488 II.
-, pitch, tar and turpentine, 488 I.
-, Port Royal, fort and barracks at, 488 p. 343.
-, President and Council, letter to, 488 p. 343, 488 X.
-, prisoners in, 488 p. 343.
-, Proclamation money, 96, 488, 488 IV.
-, Provost Marshall. *See* Lowndes.
-, clause in Act concerning, 99.
-, deputy, 120.
-, non-resident in, 120.
-, practices of, 548 p. 370.
-, quit rents, 488, 489, 555.
-, remission of, 103 I.
-, to be paid in Proclamation money, 488 p. 341.
-, Register of. *See* Hammerton.
-, rice, 488 I.
-, account of, 555, 555 I.
-, increase of, 555.
-, restrictions on cultivation of, 555.
-, seal, old, 120.
-, Secretary of. *See* Bertie, Edward.
-, settlement in, by M. Pury, 488 p. 342, 519 I.
-, settlements of Swiss Protestants in, instructions concerning, 504.
-, settlers from Barbados, grants of land to, 555.
-, sheep in, 488 I.
-, silk, Indians to be instructed in manufacture of, 129 I.
-, lack of encouragement of, 488 I.
-, stores of war for, 488 p. 344.
-, Sugar Islands, trade with, 488 I.
-, summonses in, 548 p. 370.
-, Surveyor of Lands and Inspector of Quit Rents. *See* St. John, James.

CAROLINA SOUTH—*contd.*

-, trade of, 488 I, 555.
-, advantageous to Great Britain, 555.
-, with Indians, encouragement of, 89 II p. 67.
-, woollen manufactures from Gt. Britain, 488 I.
-, writs served in, instructions for, 368.
- Carolina*, sloop, seizure of, 55 II.
- Caroline, Queen, 195 I.
- Carter, John, Councillor, Virginia, document signed by, 473.
-, Robert, Councillor, Virginia, document signed by, 473.
-, recommended for Council, 567 p. 390.
- Carteret, John, Lord, a Lord Proprietor and Palatine, Carolina South, agents of, 489.
-, French representations to, 221.
- Cary, Robert, Agent for Colonel Spotswood, petition of, 583 I.
-, Walter, ex-Commissioner of Board of Trade, document signed by, 165, 167, 173, 174, 176, 188, 189, 190, 191, 192.
- Casco Bay, 217 p. 123.
- Casco, Deputy Surveyor at, 12.
-, inhabitants of, grievances of, 217 p. 124.
-, land in, claim to, dispute concerning, 217 p. 124.
-, patents and title deeds for, 12 p. 6.
-, quit rents, 12 p. 6.
-, mast trees from, 12.
-, Saco River, mast trees cut at, 377 p. 233.
- Caswall, John, Agent for Governor Belcher, 16.
- Catherine* ship, 532.
- Catherine* sloop, goods seized, 69, 69 I.
- Cat Island (Columba), 439.
- Cayenne, flourishing state of, 386 p. 243.
- Ceure, Jean, activities among Indians, 478 III.
- Chancery, Court of, case of *Catherine* sloop, 69 I.
- Chapple, Chr., Fishing Vice-Admiral, Placentia, document signed by, 421 II.
-, James, Fishing Admiral, Placentia, document signed by, 421 II, 444 I.
-, William, Placentia, document signed by, 421 II.

- Charles, —, Secretary of Lt.-Governor Gordon, 337 II.
, Robert, Naval Officer, Pennsylvania, document signed by, 479 II.
 Charles II, grant of Tobago by, 389 II.
, patent granted by, 568.
 Charlton, Edward, land for, Act concerning, 316 I.
 Chesapeake Bay, boundaries at, 89 I.
 Chetwynd, Walter, Governor of Barbados, appointment of, 160, 179.
, Commission of, 160, 166 I, 167, 196.
, Instructions for, 160, 189.
, letter from, 336.
, letter to, 347.
, salary of, 556.
 Chigagow River, 89 II.
 Churchill, Armistead, Virginia, recommended for Council, 567 p. 390.
 Cider, in the Plantations, 406 p. 260.
 Clark, Thomas, Major, Boston, grandsons of, 144 I.
, lands of, claim to, 353 VIII.
 Clarke, —, Secretary of New York Province, 61.
, Ed., New York, appointment as Lieutenant in Independent Company at, 61.
, William, deposition of, 353 XIII.
 Clayton, Alice, Jamaica, case of, 218, 218 II.
, pardon for, 542.
, petition of, 218, 218 II.
, recommendation for mercy, 218 III.
, John, Attorney General, Virginia, letter from, extract of, 434 III.
, Wm., document signed by, 96.
 Clinton, George, Captain, R.N., Governor of Newfoundland, 43.
, appointment of, 127.
, arrival of, 332, 333, 422.
, assumes Governorship, 319, 331.
, commission of, 127, 173, 184.
, warrant for, 175.
, Commission and Instructions for, 150, 155 I.
, Commission for Justices of the Peace, 422 II (j).
, Courts held on board H.M.S. *Salisbury* by, 422 II (z).
, difficulties of, 422.
, Heads of Enquiry for, 111, 128, 133, 184, 185.
, reply to, 422 II (l).
, instructions to, 128, 133, 155 I, 174, 194.
 Clinton, George—*contd.*
, letter from, 332, 333, 422, 422 II (j) (k) (l), 508.
, order by, 333 II, 422 II (y).
, disregarded, 422.
, proceedings of, petitions to, orders by, 422 II (a)—(z), a(i)—e (i).
, proclamation by, 422 II (g), 422 II e (i).
, representation to, 422 II (m).
 Cobham, Lord. *See* Temple, Richard.
 Cockayne, —, Capt., R.N., 119.
 Cocks, —, document countersigned by, 48.
 Cohougarooton River, lands by, grants of, 290 p. 169.
 Coins, currency, paper money. *See* under each Colony.
 Cokburne, Jo., a Lord Commissioner of the Admiralty, document signed by, 69 I.
 Colden, Cadwallader, report of, on navigation of Canada River, 125.
, representation relating to trade of Canada by, 75.
 Cole, John, mariner, Pennsylvania, tried for piracy, 479, 479 I.
 Colebrooke, John, Speaker of Assembly, Bahamas, application for post of Treasurer refused, 588.
, appointed as Speaker of Assembly, 588.
, case of, 588.
, charges against, 46, 47 p. 34, 231, 231 I, II (a) (b), 339, 369, 436, 438, 439.
, conduct of, 46, 47 p. 34, 231, 231 I—II (b), 232.
, indictment and sentence of, 231, 231 I.
, appeal against, 231.
, partnership with Whetstone Rogers, 588.
, trial and appeal of, 339, 436, 438.
, appeal granted, 588.
 Coleman, —, Councillor, Jamaica, letter to, 209.
, William, 30.
, letter from, 40, 42.
, letter to, 31, 41.
 Commons, House of, 114.
, Act for better securing and encouraging the trade of H.M. Sugar Plantations, comments upon, 406.
, address from, 224 II, 225.
, bill discouraging manufactures in Colonies, 321 I.

- Commons, House of—*contd.*
 Clerk of. *See* Stables, E.
 appointed by H.M., 501.
 Committee of, order by, 75, 78, 87, 124, 141.
 Speaker of, document sent to, 404 II.
 trade and manufacture in the Plantations, affecting Great Britain, papers called for, 473 p. 326.
- CONNECTICUT, Acts of, printed copy of, 582.
 transmitted, 458, 470.
 Assembly, transactions of, to be transmitted, 203.
 boundaries of, 98 I.
 fines, forfeitures, recovery of, 470.
 Governor of. *See* Saltonstall, Gurdon; Talcott, Joseph.
 packets for, 458.
 representation to, 478 I.
 Indians, 89 II p. 66.
 lands in, 98 I.
 legislation affecting British trade, reply to query, 470.
 manufactures in, 470.
 poverty of, 470.
 sugar trade, representation upon, 561.
 trade of, 470.
- Convicts and felons imported to the Plantations. *See* under Plantations; and under each Colony.
- Cooke, Elisha, Dr., charges against, 377 p. 233.
 friendship with Governor Belcher, 12.
 lands claimed by, 217 p. 121.
- Cope, —, Colonel, letter to, extracts of, 370.
 regiment of, at Jamaica, 92.
- Cope, Henry, Major, letter from, 12 v.
- Coplestone, George, Newfoundland, fish bought and not paid for, 422 II (x).
- Coram, Thomas, Capt., deposition of, 353 VII.
 letter from, 88.
- Corbin, —, Virginia, proposed for Council, 52.
- Corlaer's Lake, Crown Point, French at, 478 III, IV.
 French fort built upon, 478 III.
 Sorahtogue, 478 III.
- Cornbury, Lord, late Governor of New York and New Jersey, Commission of, for New York only, 310 I.
 altered for New Jersey also, 310 I.
- Cornor, —, St. Philips, Barbados, 19.
- Cornwallis, Ste., Lieut.-Colonel, commanding regiments at Jamaica, document signed by, 415 II.
 instructions for, 370.
 concerning settlement of soldiers, 412.
 letter from, 370.
 extract of, 54.
 letter to, 491.
- Cortlant, Phillip, New York, document signed by, 464 I.
- Cosby, Major, Lt.-Governor of Annapolis Royal, Garrison, appointed President of Council, 427.
 at Frederick's fort, 217 p. 126.
- Cosby, William, Colonel, Governor and Captain-General of the Leeward Islands, 393.
 appointment of, 161.
 Commission of, 161, 168 II, 169, 226, 234.
 instructions for, 161, 168 I, 544.
 letter from, 546.
- Cotton, Lady, Jamaica, Act concerning, 223.
- Cotton manufacture in the Colonies, 87.
- Coupmann, Henry, Barbados, case of, 20, 20 II.
- Courand, —, letter to, 239.
- Coureand, John, letter from, 383A.
- Courland, James, Duke of, claim to Tobago, 413 I.
 proposal for sale of Tobago, 389 I, II, 413 I.
 Tobago granted by Charles II to, 389 II.
- Cowper, Wm., Clerk of the House of Lords, document signed by, 125, 156, 224 I.
- Cox, —, late President of Council, Barbados, law of elections, question of Roman Catholics, 20.
- Crawford, —, Lieut., R.N., Spanish sloops taken by, 433 p. 292.
- Cricket, Simon, Commander of *Society* ship, 422 IV (d)—(g).
- Crossman, Robert, member of Assembly, Mass. Bay, skill of, in iron work, 88.
- Cruizer, H.M.S., 232.
- Crump, Nath, Clerk of Council, Antigua, document signed by, 494.
- Cuba, 35, 116, 485.
 Barracoa, English sloop condemned and refitted at, 55 II.
 Spaniards' correspondence with rebellious negroes, Jamaica, 50,

- Culpeper, George, Barbados, petition of, 20, 20 i.
- Curacoa, trade of, 406 p. 261.
 trade with Pennsylvania, 89 i (vi).
- Curtis, Jno., Councillor, Virginia, document signed by, 473.
- Customs, H.M. Commissioners of, Commission from, 419.
 Virginia tobacco Act, 68, 74.
 objections to, reply to, 62.
 opinion upon, 187.
 queries concerning, reply to, 163.
 report upon, 62, 67, 85.
 H.M., Surveyor-General of. *See* Dunbar, David; Dunbar, Jeremiah; Fitzwilliam; Phenny, George; Quarry, Colonel.
 Surveyor-General in the Plantations to be member of Councils, 543.
- Cutler, Rev. Timothy, clergyman, Boston, petition from, 460 i.
- D.
- Dalton, —, 291 p. 176.
- Dandridge, W., Councillor, Virginia, document signed by, 473.
- Danvers, Jos., Agent for N.E., [?], letter from, 587.
- Davenport, Jonah, Indian trader, examination of, 478 v.
- Davers, J. Captain, Councillor, Barbados, letter from, 390.
- Davies, Joel, Deputy Fishing Admiral, Newfoundland, character of, 333, 333 ii.
 document signed by, 333 i.
- Delafaye, Charles, Agent for Jamaica, expiration of agency, 308.
 Secretary to the Duke of Newcastle, letter from, 308.
 letter to, 23, 46, 60, 198, 311, 344, 369, 373, 436.
 packet for, receipt for, 410 iii.
- Delap, Francis, Antigua, Act concerning, 5.
- Delaware Bay, 89 i.
- Delaware River, Pennsylvania boundaries at, 89 i.
- Dennet, Ephraim, New Hampshire, recommended for Council, 320.
- Dent, —, Capt., R.N., 51, 92, 116, 119, 210.
- De Paz, Elias, merchant, London, memorial by, 2.
 Solomon, merchant, London, memorial concerning, 2.
- Digges, Cole, Councillor, Virginia, document signed by, 473.
- Dimont* sloop, clearance of, 377 ix.
- Doddington, Elizabeth, estate of, Act concerning, 316 i.
- Dominico, English and French families on, 446.
 French designs upon, 446.
 French settlements upon, new, 494 p. 349.
 papers relating to, 429, 429 i-iv.
 settlers for, 386 p. 243.
- Douglas, —, Governor of St. Christopher, instructions of, 505 i.
- Doyle, —, Major, St. Christopher, letter from, 445 ii.
 extract of, 445.
 letter to, 445 i.
- Drummond, Andrew, letter from, 134.
 letter to, 228.
 John, petition of, 98 i.
- Dublin, merchants of, petition of, 39 i.
- Duer (Dewar), John, Antigua, recommended for Council, 575.
- Dummer, William, Lieut.-Governor of Mass. Bay, 377.
 Indian peace ratified by, 353 xiii.
- Dunbar, David, Colonel, Surveyor General of H.M. Woods in America, and Lieutenant-Governor of New Hampshire, 73 i, 373 iii.
 absence of, 455.
 appointment of, Governor Belcher's instructions concerning, 288, 291.
 Governor Belcher's opposition to, 157.
 reasons for, 77.
 *Boston Gazette*, notice in, 12 iv.
 case of sloop seized at Pemaquid, 21.
 charges against, 377 viii.
 "Commander and Settler of H.M. Province of Georgia," petition to, 353 vi.
 Commission of as Lt.-Governor of New Hampshire, 70, 144 i, 217 p. 127, 302, 373 i, 377, 377 xi.
 perquisites, 373 i, ii, 377.
 published, 288, 291.
 referred, 66.
 complaint by, 6, 49, 410.

Dunbar, David—*contd.*

-, conference with Governor Belcher, 12, 12 *iii*.
-, correspondence with Col. Philipps, 49.
-, correspondence with Lieut.-Gov. Tailer, 12 v, vi.
-, and Deputies, travelling expenses of, 217 p. 126.
-, differences with Governor Belcher, 291 p. 175, 293, 297, 299.
-, differences with Judge of Vice-Admiralty, 410.
-, difficulties of, 77.
-, dispute with Governor Belcher, 6. 6 *ii*, *iii*. 12, 16, 28 *iv*. 66, 66 *i*, 72, 77. 157, 302, 321. 373 *i*, 377, 377 *iv*. *viii*, *xi*, 378. 397, 410, 455 p. 303. 455 *ii*, *ix*. 457, 467, 469, 499.
-, opinion of Council of Trade and Plantations upon, 467, 469.
-, dispute with Captain Walton. 373 *i*. *ii*, 377 *iv*. 377 p. 232.
-, document signed by, 377 *vii*, 379 *i*, 410 v.
-, expenses incurred by, 12, 49.
-, difficulty in meeting bills for, 299.
-, Fredericksfort. settlement at, difficulties of, 12.
-, Governor Belcher's efforts to remove from office, 297.
-, health of, 49.
-, instructions of, 49, 77, 144 *i*. 217 pp. 125-6.
-, additional, 12 p. 7.
-, alteration proposed in, 44.
-, interpretation of, 291.
-, journey of, 12.
-, lands between Kennebeck and Penobscot, not to be settled by, instructions concerning, 49.
-, lands between Penobscot and St. Croix Rivers to be laid out by, instructions for, 49.
-, lands settled by, difficulties concerning, 12.
-, lands set apart for mast trees, 427 p. 287.
-, letter from, 12. 12 *vii*. 28 *iv*, 217, 291, 299, 301, 302, 373. 373 *i*, 374, 377, 377 *iii*, 410, 480.
-, letter to, 12 *i*, *ii*, *iii*, *viii*. *ix*, 28 *iv*, 49, 377 *viii*, *xi*, 500.
-, letters to his wife, copies of, 291, 302.

Dunbar, David—*contd.*

-, packets from, 410 *iii*.
-, papers delivered to Court of Admiralty by, 410 v.
-, proposed as Lieut.-Governor of New Hampshire, 45.
-, powers of, as Lieut.-Gov., in absence of Governor, 467, 469.
-, dispute concerning, 373, 373 *i-iii*.
-, recommendations of, concerning fines and forfeitures, 49.
-, recommended to succeed Lt.-Gov. Wentworth, 66.
-, refused admission to Fort William and Mary, 467, 469.
-, Lords Commissioners' disapproval of, 499.
-, removal of, urged, 455, 457.
-, salary of, 12, 299, 373 *i*.
-, settlement between Sagadahock River and Gulf of St. Lawrence, opposition to, 586.
-, settlements by, claims to, 13. 13 *i*.
-, difficulties of, 217 p. 125.
-, dispute concerning 13. 13 *i*.
-, expenses of, account of, 217 p. 125.
-, opposition to, 144 *i*.
-, protection for, 217 p. 126.
-, to sit in Council, 462.
-, sloop for, request for, 217 p. 127.
-, speech of, 291, 291 *iv* (*a*).
-, reply to, 291 *iv* (*b*).
-, as Surveyor-General of H.M. Woods in New England, appointment of, 551.
-, case and appeal in Vice-Admiralty Court, Boston, sent home by, 447, 551, 566.
-, instructions for, additional, 152 *i*, 176, 176 *ii*.
-, Jeremiah, Deputy Surveyor General of H.M. Woods in America, brother of Colonel Dunbar, 12 *vii*, *viii*, *ix*.
-, deposition of, 353 *iv*, v.
-, letter from, 301.
-, letter to, 12 v, 441.
-, proposed as successor to Colonel Dunbar, 49.
-, returns to England, 374.
- Dursley*, H.M.S., refitting at Bermuda, 472.
- Dutch West India Company, directors of, correspondence of, 595.

E.

- Eden, J., letter from, 71.
 Edwards, John, Dr., 58.
 Ellery, Benjamin, Captain, Rhode Island, protest by, 402 II.
 Ellis, James, Cambridge, N.E., case of, 460 I.
Endeavour sloop, H.M.S., 28 IV.
Enterprise, H.M.S., 25, 27, 51.
 Erie, Lake, 89 II.
, fort proposed for, 89 II p. 66.
 Erie Pont Chartrain, French settlement at, 89 II.
 Erskine, James, Lieutenant in Col. Phillips' regiment, deposition of, 353 X.
 Essequibo, Commandants of, correspondence of, 595.
 Estridge, Jos., Councillor and President, St. Kitts, document signed by, 414.
, instructions to, 445 I, II.
 Europe, trade with Sugar Colonies, 386 p. 242.
 Eustatia, 473 p. 325.
, trade with Rhode Island, 474.
 Evans, —, Deputy Receiver General, Pa., Commission of, 423.
 Everard, Sir Richard, complaints against, 404.
, lands taken up by, 404.
 Exeter, N.H., white pine trees cut at, 49.
 Eyles, Sir Joseph, grant of land in New York to, 139.
, petition of, 98 I, 108.

F.

- Fairfax, Thomas, Lord Fairfax of Cameron, Agent of, dispute over Northern Neck boundaries, 290.
, lands claimed by, 290 p. 169.
, lands of, 453.
, lands near Great Mountains, petition concerning, referred to, 471.
 Fandano, pirate, capture by, 485.
 Fandino, Juan, Spanish captain, 55 II.
 Fane, Fran., legal adviser to the Council of Trade and Plantations, letter from, 76, 97, 105, 110, 181, 340, 341, 443, 448, 449, 510, 553, 571.
, letter to, 10, 56, 93, 115, 132, 227, 229, 240, 295, 317, 318, 329, 330, 392, 482, 522, 524.

Fane, Fran.—*contd.*

-, opinion by, 49, 187, 200, 201, 545.
, report by, 571.
 Felons and Convicts, transportation of. *See* under each Colony.
 Field, John, Captain, Vice (Fishing) Admiral, Newfoundland, 333 I.
 Finch, —, H.M. Envoy Extraordinary at Stockholm, letter from, extract of, 389 I, II, 396.
 Fitzhugh, Henry, Virginia, recommended for Council, 567 p. 390.
 Fitzwilliam, R., late Surveyor-General of Customs, Southern District of America, 543.
 Fitzwilliams, Rd., Surveyor-General of Customs of Virginia, 68, 85.
, letter from, 86.
, opinion on Tobacco Act, 86.
 Flasket, Henry, Newfoundland, document signed by, 422 IV (b).
 Flax, planting of, 87.
 Florida, Spanish Governor of, English vessel seized by, 32.
, correspondence concerning, 32 I-III.
 Fleet, Thomas, printer, Boston, 528 I-III.
 Floyd, Thos., J.P., Newfoundland, document signed by, 422 IV (b), 422 IV (i).
 Foolsom, Jeremiah, charges against, 49.
 Forbes, Lord, Governor of the Leeward Islands, retirement of, 161.
 Forrester, —, Capt., R.N., 472.
 Forster, Samuel, Agent for Barbados, appointment of, 19.
, letter to, 525.
 Fort Richmond, N.S., Commander of. *See* Heath.
 Fountain, Jas., document signed by, 415 II.
 Fowler, William, New York, petition of, 197 I.
 FRANCE AND THE FRENCH. *See* Canada; Cape Breton; Nova Scotia; in Canada, 126 II (xii).
, Cape Breton, 126 II (xii).
, claims of, 89 II.
, danger from, in St. Kitts, 569.
, encroachments by, 89 I.
, on Indian territory, 22.
, in New York, 464 p. 313, 478, 478 I-V.
, fort built by, on Corlaer's Lake, 478 III.
, Indians, designs on, measures to prevent, 89 II p. 66.
, incited by, in New Hampshire, 126 II (xvii).

FRANCE AND THE FRENCH—*contd.*

- Indians—*contd.*
 intrigues with, 89 II p. 65.
 221, 478, 478 I-V; *and see* under
 each Colony; Indians.
 in Newfoundland, 584.
 in New York, 464 p.
 314.
 methods with, successful,
 89 II p. 67.
 presents to, 478 v.
 trade with, account of, 89 I
 (xv), II.
 lands between Kennebeck and
 St. Croix Rivers taken by, 353.
 maps, De L'Isles', 89 I.
 Mississippi River, new settlements
 on, 406 p. 261.
 Niagara, fort built at, 221.
 Roman Catholic support for,
 422 II (m) p. 279.
 rum, manufacture of, 561 p. 386.
 trade in, 578 I.
 in St. Kitts, 571 p. 394.
 settlements by, 89 II, 290 p. 169.
 flourishing condition of,
 494 p. 348.
 sugar colonies of, 578 I p. 399.
 effect of British sugar
 legislation upon, 578 I.
 encouragement of, 386 pp.
 242-244.
 flourishing state of, 494
 pp. 348-9.
 improvements in, 561
 pp. 384-5.
 trade of, 386 pp. 242, 244,
 473 p. 325, 494 pp. 348-9.
 trade of, 494 pp. 348, 349.
 with British Sugar Colonies,
 406 p. 258.
 illegal, 473 p. 325.
 with Northern Colonies,
 561 p. 385.
 routes, description of, 89 II
 p. 65.
 sugar, 414, 561.
 danger to Plantations
 from encouragement of, 414.
 with Northern
 Colonies, effect of, 475.
 prices lower in, 406
 p. 259.
 in West Indies, 406 p. 261.
 treaty with Great Britain, 414.
 war with, effect in St.
 Christophers, 571 pp. 394-5.
 Frankland, Sir Thomas, 291 p. 176.
 Fredericksfort. *See* under Nova Scotia;
 Pemaquid.

- Freeman, Tho., Speaker of Assembly,
 Antigua, document signed by, 494.
Friendship, ship, seized by Spaniards, 2.
 invoice, bill of lading and corres-
 pondence concerning, 2 I-VIII.
 Frontenac Fort, 89 II.
 Frost, Capt., Councillor, New Hampshire,
 health of, 291 p. 177.
 retirement of, 455, 457.
 John, document signed by, 29 II.
 Fry, Thomas, Major, Rhode Island,
 protest by, 402 II.
 Fundy, Bay of, settling of, 427 p. 287.
 Fury, —, Agent for Carolina South, 103,
 555.
 appointed, 356.

G.

- Gale, Edmund, recommended for Council,
 Car. N., 404.
 Gambling, —, Attorney, Boston, depu-
 tation for, 377 p. 233.
 Gambling, Benjamin, Councillor, New
 Hampshire, appointment of, 457.
 document signed by, 455 x.
 mandamus for, 208.
 recommended for Council,
 72, 320, 455, 462, 499.
 Gascoigne, —, Captain, R.N., Bahama
 Islands surveyed by, 123, 439.
 Gascoigne, George, Barbados, proposed
 as Deputy Provost Marshall, 19,
 19 I.
 Gelly (Jelly) Ben., Newfoundland, 422 IV
 (f), (g).
 Genoa, trade with, 474.
Genoesa, Spanish ship of war, cargo of,
 25 v.
 wreck of, treasure from, 25, 25 I,
 116, 118.
 George I, King, memorial to, *re* Bahamas,
 122 I.
 George II, King, in Council, orders, com-
 missions, instructions, proclama-
 tions, references, warrants by,
 concerning Antigua, 5, 365, 366,
 574.
 Bahamas, 358.
 Barbados, 124, 137, 167,
 196.
 Bermuda, 572, 573, 579.
 Carolina North, 3.
 Carolina South, 1, 36, 48,
 96.
 debts in the Plantations,
 367.
 Jamaica, 4, 83, 83 II, 165,
 204, 412 p. 267, 490, 514, 536, 540.

George II. King, in Council—*contd.*
 Leeward Islands, 169, 234.
 Maryland, 454.
 Massachusetts Bay, 80, 81,
 354, 355, 576.
 Newfoundland, 91, 91 i,
 173, 174, 175.
 New Hampshire, 70.
 New Jersey, 153, 511, 512,
 513, 517.
 New York, 37, 139, 359,
 360.
 Nova Scotia, 6, 82, 109,
 176.
 Office fees, 357.
 Pennsylvania, 361.
 Virginia, 235, 237, 243,
 363, 364, 515, 516.
 George II. King, in Council, addresses,
 appeals, petitions, representations
 to, concerning :
 Antigua, 200, 393, 509, 557,
 575.
 Bahamas, 191 i.
 Barbados, 39 i, ii, 106, 166,
 166 i, 322 i, 432, 503 i, 509.
 Bernuda, 60 i, 142 i.
 Carolina North, 195 i.
 Carolina South, 102, 103 i,
 ii.
 Clerks' salaries, 192, 192 i.
 Customs, 543.
 Jamaica, 50, 50 ii, 104, 296,
 300, 300 i, 351 i, 415, 415 i.
 Leeward Islands, 168 i, 226.
 Maryland, 451.
 Massachusetts Bay, 144 i,
 230, 244, 467, 469, 545, 586.
 Naval Stores, 98 i.
 Newfoundland, 90, 155 i,
 422 i.
 New Hampshire, 394, 459,
 459 i, 462.
 New Jersey, 233, 298, 310 i.
 New York, 37 i, 201, 220,
 565.
 Nova Scotia, 44, 353 ii, iii.
 Rhode Island, 402, 402 i,
 539 i, ii.
 St. Christopher, 188 i, 569.
 Sta. Lucia, Dominico, and
 St. Vincent, 446.
 trade and manufacture of
 Great Britain, 224 i, ii.
 trade with Sweden, 413,
 413 i.
 Virginia, 186, 187, 342 i,
 382.
 encroachments on the Royal
 Prerogative in Massachusetts Bay,
 157 p. 100.

George II. King—*contd.*—
 order signed by, 537, 579.
 powers of, 76.
 title to lands in Nova Scotia, 47.
 Georges truckhouse, N.S., 217 p. 122.
 George Town, destroyed by Indians,
 353 xiii.
 Georgia (Maine). *See* Dunbar, David :
 N.S. lands between Kennebeck and
 St. Croix Rivers ; Mass. Bay, lands
 between Kennebeck and St. Croix
 Rivers : Coram.
 Georgia, Stauber and Ochs' settlement
 behind the Great Mountains called,
 130.
 German Protestant Refugees, settlement
 in Virginia, proposal for, 112, 178,
 178 i.
 Germany, settlers from, 399.
 trade with, 386 p. 242.
 Gibraltar, Lord Rothes' regiment at,
 proposed for Jamaica, 352.
 regiments from, for Jamaica, 25,
 25 ii, 51, 51 i ; *and see* Jamaica,
 regiments.
 Gill and Denet, Messrs., Newfoundland,
 order to, 422 (a) i.
 Gilman, John, Col. N.H., recommended
 for Council, 291 p. 178.
 Gledhill, S., Lieut. Governor of Placentia,
 document signed by, 421 i.
 instructions to 422 ii (b).
 letter from, 421, 426.
 letter to, 421 ii.
 Gooch, William, Lieut.-Governor of
 Virginia, arguments in favour of
 Tobacco Act, 62, 67.
 document audited by, 290 i,
 ii, iv.
 letter from, 52, 67, 163,
 290, 309, 406, 567.
 letter to, 199, 381, 473.
 opinion of, on Tobacco Act,
 187.
 proclamation by, 290 v,
 309 i.
 proposals for a new Sugar
 Act, 406 p. 262.
 remarks upon Act con-
 cerning Sugar Colonies, 406 i.
 reply to Customs Commis-
 sioners' objections to and queries
 on Tobacco Act, 62, 163.
 scheme for improving the
 staple of tobacco, 199.
 Gordon, Patrick, Lieut. Governor of
 Pennsylvania, charges against
 Judge Browne, 337, 337 i, ii, 362.
 dispute with Judge Browne,
 205, 423.

Gordon, Patrick—*contd.*

-, examination of Davenport,
Indian trader, 478 v.
-, letter from, 89, 205, 337,
337 i, 477, 478, 479.
-, letter to, 337 i, 478 i.
-, queries to, reply to, 89 i,
477.
-, representation to, 478.
- Gordon, Thomas, & Co., Newfoundland,
order to, 422 (a) i.
- George, Sir Ferdinando, patents granted
by, 12 p. 6.
- Goss, John, warrant to, 333 i, ii.
- Gottenberg, proposed trade with West
Indies, 389 i.
- Goudet, Peter, Treasurer of the Bahamas,
defence of Governor Phenney by,
222.
-, document signed by, 213.
-, Governor Phenney's bond
to, 214.
- Gould, Thomas, petition of, 112, 130, 140,
342 i.
- Granada, flourishing state of, 386 p. 243.
- Grand Coicos, 55 ii.
- Grand-Terre, flourishing state of, 386 p.
243.
- Granger, Thos., Deputy Clerk of
Assembly, Barbados, proposed as
Deputy Provost Marshall, 19, 19 i.
- Granville, Sir Beville, former Governor
of Barbados, 556 p. 382.
- Green, Paul, mariner, Pennsylvania, tried
for piracy, 479, 479 i.
- Greenwich, Royal Hospital, 6d. per month
from seamen's wages for, 451.
- Gregory, Theophilus, Master of Chancery.
Car. S., appointment of, 488 p. 343.
- Gregson, Wm., London, Act concerning,
207.
- Grover, —, schooner of, seizure of, 73 i.
-, papers relating
to, 73 ii-xvi.
-, Josiah, complaint by, 6 i, 301 i,
iii.
- Grymes, John, Councillor and Receiver-
General, Virginia, document signed
by, 290 i, ii, iv, 473.
- Guadelope, flourishing state of, 386 p. 243,
494 p. 349.
-, pirates at, 57.
-, trade with, 473 p. 325, 494.
- Guiral, Don, 116.
- Gulston, Ralph, Contractor for Masts for
H.M. Navy, 217 pp. 122, 123.
-, contract of, 12 viii.
- Guninson, Elihu, 353 xiv.

H.

- Haggatt, Othniel, Councillor, Barbados,
activities of, 106.
-, appointment of, 190.
- Haley, Garret, Newfoundland, money
owed to, 422 ii (r).
- Hamble, Samuel, N.H., trial of, 73 i.
-, papers relating to,
73 ii-xvi.
- Hambleton, Alexander, an officer under
Woods Surveyor in Mass. Bay, 73 i.
- Hamilton, —, Colonel Dunbar's Lieu-
tenant, 126, 157.
-, allegations against, 157.
-, A., a Lord Commissioner of the
Admiralty, document signed by,
69 i.
-, Alexander, Commander at
Pemaquid (Fredericksfort) Fort,
126.
-, conduct of, 6 i.
-, John, Councillor, New Jersey,
document signed by, 310 i p. 195.
- Hammerton, John, Registrar of Carolina
South, appointment of, 1.
-, security by, certificate of,
452.
- Hammond, Jos., Justice of the Peace,
York County, order by, 301 ii (a).
-, reply to, 301 ii (b).
-, order to, 301 i.
- Hanau, Prince of, grant of land in America
to, 389 i.
- Hannibal*, H.M.S., 27.
- Harlan, Ezekiel, petition of, 112, 130, 140,
342; and *see* Stauber; Ochs.
- Harman, —, Col., 377 viii.
- Harney, John, mariner, Pennsylvania,
tried for piracy, 479, 479 i.
- Harrington, Lord, one of H.M. Secretaries
of State, letter from, 389.
-, letter to, 60 i, 389 i, ii, 413.
-, packets for, receipts for,
410 iii.
- Harris, —, Councillor, Jamaica, letter to,
209.
-, Rd., document signed by, 367 i,
434.
-, letter to, 401.
- Harrison, Henry, Colonel, Councillor,
Virginia, document signed by, 473.
-, recommendation of, 199.
-, recommended for Council,
52.
- Hart, John, late Governor of the Leeward
Islands, 385.

- Havana, 35.
 , garrison of, increased, 47.
 , Governor of, *Genoesa* treasure demanded by, 116, 118.
 , Spanish Captain in prison at, 25.
 Hay, de la, Spanish Captain in prison at Havana, 25.
 Hayes (Hay), Robert, Col. in command of regiments at Jamaica, correspondence with Governor Hunter, 589.
 , death of, 95, 210.
 , letter from, 79, 210.
 , extract of, 54.
 , regiment of, 92.
 , provision for, 50.
 Heard, Admiral, R.N., order signed by, 422 *π* (*y*).
 Heath, Joseph, Capt., Commander of Fort Richmond, Kennebeck River, 353 *xiii*.
 , deposition of, 28 *iv*, 66 *iii*.
 , visit to Pemaquid, 66 *iii*, *ix*.
 Hely, —, Captain, regiment at Jamaica, 79.
 Hemp, planting of, 87.
 Henderson, Alexander, Attorney-General, Jamaica, 25, 564.
 , leave of absence for, 490.
 , wife of, death of, 312.
 Hennipin, —, map of, 89 *ii*.
 Herder (Hearder), Lawrence, Placentia, charges against Justices of the Peace by, 422 *π* (*h*).
 , order of suspension against, 422 *π* (*i*).
 Herrera, Don Joseph de, 25 *v*, 116.
 Hibbs, Thomas, Constable, Newfoundland, letter from, 422 *π* (*u*).
 Hispaniola, 55 *ii*.
 , flourishing condition of, 494 p. 349.
 , French increasing in, 389 p. 243.
 , Monte Christo, 485.
 , trade with, 494.
 Hobby, Charles, General of Mosquito Indians, letter from, 486 *ii*.
 Hogstys, the, wreck of Spanish galleon at, 484 *i*.
 HOLLAND THE DUTCH, settlements, flourishing condition of, 494 p. 348.
 , shipbuilding, lower cost of, 406 p. 261.
 , Sugar Colonies, encouragement of, 386 pp. 242–244.
 , improvement in, 561.
 , trade of, 386 p. 242, 406 p. 256, 473 p. 325, 494 pp. 348–9, 560, 561.
 HOLLAND THE DUTCH—*contd.*
 , trade of, 494 pp. 348–9.
 , illegal, 473 p. 325.
 , with Plantations, 414.
 , with Rhode Island, 474.
 , with West Indies, 406 p. 261.
 Holland, Henry, Captain, Independent Co., New York, 61.
 Honduras, Bay of, ships seized in, 38.
 , Spanish sloop captured by Mosquito Indians in, 486 *ii*.
 Horses, used in sugar trade, 494 p. 369; *and see* Sugar trade in the Plantations.
 Hothersall, Burch, Treasurer, Barbados, document signed by, 107 *ii–iv*.
 Hudson River, 98 *i*.
 Hugg, John, Councillor, New Jersey, recommended for Council, 245, 246.
 Hughes, Richard, Lieut., R.N., H.M.S. *Salisbury*, instructions to, 422 *π* (*l*).
 , Justices of the Peace sworn before, 422 *π* (*j*).
 , letter to, 422 *π* (*t*).
 Humphreys, Charles, & Co., Newfoundland, sale of fish by, 422 *π* (*x*).
 Hunter, Charles, son of Governor Hunter, Commission for, 316.
 Hunter, Robert, Major-General, Governor of Jamaica, address to, 218 *i*, 486 *i*.
 , command of regiment requested by, 95, 117.
 , commendation of, 328.
 , commissions granted by, 117 *i*, *ii*.
 , correspondence with Colonel Hayes, 589.
 , disapproval of, 520 *i*.
 , health of, 532, 564.
 , instructions of, 506, 536.
 , additional, 383, 420, 520 *i*, 540, 540 *i*.
 , letter from, 11, 11 *i*, 25–27, 50, 51, 92, 95, 116–119, 146–149, 202, 202 *i*, 210, 218, 312, 316, 415, 433, 435, 485–487, 529, 532, 549, 550, 550 *viii*, *ix*, 564.
 , extract of, 315.
 , letter to, 328, 412, 482 *ii*, 492, 542, 550 *iii*, *iv*, *vi*, *xi*.
 , orders from, 550 *i*, *ii*.
 , orders to, 204.
 , proclamation by, 549.
 , reasons for passing the Act for better regulating slaves, 308.
 , reply to queries concerning acts affecting trade and navigation of Great Britain, 487.

Hunter, Robert—*contd.*

-, speech of, 25 vi. 51 i. 218 i.
486 iii.
Huron, Lake, 89 ii.
Husk, —, Capt., commission of, 377 xi.
Hutchinson, Edward, Colonel, lands of,
353 viii, xi.
....., petition of, 144 i.
Hyde, John, Captain, letter from, 122.
....., letter to, 121.

I.

Illinois, Lake, 89 ii.

Illinois River, 89 ii.

INDIANS; *and see* under each Colony:
France and the French.

-, Abnakis (Abenaki), Jesuit priest
with, 12, 12 ii.
....., Acansas, 89 ii p. 66.
....., Asswekalaes, settlements of,
478 v.
....., Carolina, 89 ii p. 66.
....., Cherokee, Chiefs visit England,
129 i.
....., industries and manufactures
by, proposal concerning, 129, 129 i.
....., Chouanosis (Shawanese), French
intrigues with, 478 v.
....., under French protection,
478.
....., settlements of, 478 v.
....., in Connecticut, 89 ii p. 66.
....., Delaware, 89 ii p. 66.
....., settlements of, 478 v.
....., Fellsavains, 89 ii p. 65.
....., Five Nations, 89 i, 404.
....., decrease of in Pennsylvania,
89 i (xiv).
....., French intrigues with, 22 i.
....., Fox, 89 ii p. 66.
....., French designs on, measures to
prevent, 89 ii p. 66.
....., French intrigues with, 89 ii
p. 65.
....., French trade with, 89 ii p. 65.
....., Mr. Logan's account of,
89 i (xv), 89 ii.
....., immoderate drinking of rum
among, 578 i p. 398.
....., Illinois, 89 ii p. 65.
....., Iroquois, 89 ii pp. 65, 66.
....., Kikapous, 89 ii p. 66.
....., Massachusetts Bay, 28 iv.
....., lands of, title deeds, 12.
....., Massekobins, 89 ii p. 66.
....., Miamies (O'nmamies), 89 ii p. 65.
....., Mingoos, settlements of, 478 v.

INDIANS—*contd.*

-, Missouri, 89 ii p. 66.
....., Mosquito (Musketo), General of,
see Hobby, Charles.
....., in Jamaica, 486 p. 337.
....., friendly attitude of,
486 ii.
....., sloop captured from
Spanish by, 486 ii.
....., used against rebellious
negroes, 550 xi p. 377.
....., King of, 300 i; *and see*
Peter.
....., in New England, 89 ii p. 66.
....., in New Hampshire incited by
French, 126 ii (xvii).
....., Nokes, 89 ii p. 65.
....., Ottawas (Missilimakinaes), 89 ii.
....., numbers of, 89 ii p. 65.
....., Ozages, 89 ii p. 66.
....., Penobscot, presents for, 217.
....., Puans, 89 ii p. 65.
....., River, 89 ii p. 66.
....., Sakes, 89 ii p. 65.
....., Senecas, country of, 478 iii.
....., French intrigues with,
measures to prevent, 478 iv.
....., settlements of, at Alleganie, 478 v.
....., Six Nations, 478.
....., conference with, at Albany,
245, 246.
....., French intrigues with, 478.
....., trade with, act concerning, 89 ii
p. 66.
....., encouragement of, 89 ii
p. 67.
....., mutual advantages of, 89 ii
p. 67.
Innis, —, 119.
IRELAND AND THE IRISH: *and see* under
separate Colonies, beef from, 316.
....., in Jamaica, 433 p. 292, 486
p. 339.
....., in Massachusetts Bay, 528 p. 360.
....., missionaries from, for Jamaica,
25 iv.
....., Papists from, in Newfoundland,
422, 422 ii (m) p. 279.
....., in St. Christopher, 571 pp. 392,
393.
....., settlement of, in Nova Scotia, 44.
....., trade of, 386 pp. 242, 244, 245.
....., with foreign Sugar Colonies,
complaint concerning, 137.
....., with Northern Colonies, 137.
....., wool running from England,
methods for preventing, address
concerning, 224 i.
Iron manufacture in the Colonies,
discouragement of, 321 i.

Italy, H.M. Consuls in, complaint from.
113 l.
..... trade with. 386 p. 242, 528 p. 360.

J.

Jackson, Robert, late Minister in Sweden.
letter to, 395, 396.

Jaffrey, George, Councillor, New Hamp-
shire, commendation of, 291 p. 176.

..... document signed by, 291 n.
..... Judge and Treasurer.

Massachusetts Bay, 12.
..... recommendation of, 12.

Jeffrey, George, Deputy Judge of Vice-
Admiralty, Boston, 377 p. 233.

..... proposed as Judge, 301.

JAMAICA, 47, 55 n.

..... Act for appropriating and applying
money for the additional subsistence
of the officers and soldiers of the two
regiments arrived and for other
uses etc. transmitted, 147.

..... Act for the better preserving of the
records in the several publick offices
of this island etc., 529, 529 l.

..... transmitted, 564.

..... Act for the better regulating slaves
etc., 308.

..... disallowance urged, 296.

..... Governor Hunter's reason
for passing, 308.

..... hardships to free negroes
entailed by, 308.

..... objection to, 97, 242.

..... referred, 223.

..... repeal of, 514.

..... report upon, 311.

..... representation upon, 296.

..... suspension of, recommended.
308.

..... Act to confirm the title of Edward
Charlton to three parcels of land in
St. Jago de la Vega etc., 316 l.

..... Act to continue part of the act for
the better suppressing rebellious and
runaway negroes etc., 316 l.

..... Act, Deficiency, report upon, 340.

..... Act enabling Capt. King and Lady
Cotton to sell Pero plantation etc.,
referred, 223.

..... Act for establishing Courts etc.,
objections to, 434 l.

..... Act concerning the estate of
Thomas King, confirmed, 4.

..... Act for the further quieting
possessions and regulating resurveys.
529, 529 l.

..... transmitted, 564.

JAMAICA—*contd.*

..... Act concerning Irish Papists.
Act repealing, Governor's views
upon, 27.

..... Act laying a duty on negroes etc.,
344.

..... merchants against, 310.

..... petition against, 328.

..... Act to oblige the inhabitants to
provide themselves with a number
of white men in proportion to their
negroes to be sent out to reduce the
rebellious negroes, 434 l.

..... amendments to, 550 xi
p. 376.

..... passed by Assembly, 412 l.

..... rejected by Council, 412 l.

..... transmitted, 147.

..... Act, Protestant, Governor's
attitude towards, 328.

..... repeal of, 328, 486 p. 339.

..... Act for providing additional sub-
sistence for the two regiments etc.,
316 l.

..... passed, 312.

..... Act for raising money laying a
duty etc., objection to, 340.

..... Act for raising several sums etc.
(additional duty Act), 434 l. 550 xi
p. 377.

..... Governor's assent to, dis-
approval of, 520 l.

..... petitions against, 383.

..... report upon, 340.

..... representation upon,
approved, 506.

..... transmitted, 147.

..... Act for raising a tax by the poll
and on trades, offices and rents,
report upon, 340.

..... transmitted, 147.

..... Act for rendering the two regiments
more serviceable etc., 316 l. 550 l.

..... Act for repairing the walls of
Port Royal, 434 l p. 294.

..... Act repealing the Protestant Act,
rejection of urged, 433 p. 292.

..... Act for subsistence of two
regiments at, 316.

..... Act for vesting the real estate of
Elizabeth Doddington decd. in the
churchwardens of Port Royal for
performance of her will, 316 l.

..... Act for vesting the real estate of
John Todd, planter, in trustees etc.,
316 l.

..... Acts of, list of, 312, 312 l. 316.
316 l. 433, 433 l.

..... (5) opinion upon, 97.

..... (12) referred, 295.

..... (4) report upon, 340.

JAMAICA—*contd.*

- Acts of—*contd.*
 , transmitted, 116, 119, 147, 435.
 , Agent for, necessary, 218 I.
 , Assembly of, 25, 202 I, 328, 383.
 , Acts of, 27 I.
 , address by, 218 I. 486 I. 529.
 , adjourned, 25, 218.
 , dissensions in, 147.
 , dissolution of, 92, 147.
 , Journal of, 116, 119, 147. 435, 564.
 , meeting of, 549.
 , message from, 370, 412. 412 I.
 , Minutes of, 412, 532, 550 XI.
 , new, 92, 328.
 , constitution of. 147 p. 96.
 , election of, 117, 119.
 , opinion concerning regiments quartered at, 412 I.
 , prize money for capture of rebellious negroes, resolution concerning, 51.
 , proceedings of, 485.
 , provision for regiments by, 149.
 , question for, 50, 50 I.
 , recovery of debts, Act proposed for, objection to, 434 I, II.
 , resolutions of, 147. 532.
 , retail of rum, abuse of, 146.
 , settlement of soldiers to be encouraged, 370.
 , Speaker of. *See* Stewart. John.
 , subsistence and provision for soldiers settling, 412.
 , subsistence for regiments at, difficulty in raising, 415 I.
 , resolution concerning, 51.
 , Attorney General. *See* Henderson.
 , Blue Mountains. gold and silver in, 14 I.
 , Brest work. 550 I, III, IV, V.
 , Chief Justice of. *See* Mill, Richard.
 , Clarendon, 532.
 , Coins, currency, value of, uncertain. 434 II.
 , condition of, 209, 210, 215, 415 I.
 , Convicts, importation of, 550 XI p. 377.
 , duty on, 328, 383.
 , Council of, 147, 532, 550.
 , address from, 415, 415 I. 433, 529.

JAMAICA—*contd.*

- Council of—*contd.*
 , case of seizure of Spanish sloops, 433 p. 292.
 , message from Assembly to, 412 I.
 , minutes of, 116, 117, 147, 435, 564.
 , numbers of, 154.
 , President of. *See* Ayscough, John.
 , representations from, 486 p. 338, 550, 550 XI.
 , youngest member to be suspended, 165, 204.
 , Council and Assembly of, address from, 50, 50 II.
 , differences of opinion concerning regiments at, 550 XI.
 , Governor's speech to, 25 VI, 51 I. 486 III.
 , minutes of, 550 XI p. 376.
 , settlement of regiments to be encouraged by, 351 I.
 , Councillors. *See* Ayscough, John; Coleman; Harris; Morrice.
 , Court, Supreme, 218.
 , credit of, methods for restoring, 218 I.
 , debts in. method of payment, 434 I.
 , merchants' representation upon, 434 I.
 , recovery of, complaint concerning, 434 II.
 , defence of, 292, 435, 532.
 , inadequate, 433 p. 292.
 , measures to secure, 218 I, 300 I, 550 XI p. 376.
 , soldiers encouraged to settle, 351 I.
 , defenceless condition of, 210.
 , felons imported, duty on, 486 pp. 338-9.
 , disapproval of, 520 I.
 , Governor of. *See* Hunter, Robert; James, Sir Nicholas; Portland, Duke of.
 , Governor of, instructions for, concerning negroes, 300 I.
 , Governor and Council, address from, 300 I.
 , Independent Co. at, 316.
 , account of, 352.
 , bounty offered, 412.
 , casualties in, 550 III.
 , to be completed by drafts from regiments, 300 I, 370, 412.
 , proposal to increase, 351 I, 352.

JAMAICA—*contd.*

- Independent Co. at—*contd.*
-, review of, 412.
-, sent against rebellious negroes, 486.
-, strength of, 338.
-, Indians, employed against negro incursions, 300 I p. 185.
-, Mosquito (Musketo) King of, presented to Governor, 328.
-, sent against rebellious negroes, 300 I.
-, visit to England proposed 486 p. 338.
-, used against rebellious negroes, 328, 550 XI p. 377.
-, inhabitants of, number of, 300 I.
-, white, decrease of, 415 I.
-, increase desirable, 351 I, 412.
-, methods proposed for, 412 I.
-, Irish in, ascendancy of, danger from, 433 p. 292.
-, Irish Papists in, 486 p. 339, 550 XI p. 376.
-, Jews, duty on, 550 XI p. 377.
-, Judges of, petition to, 218 II.
-, Judges and Jury of, recommendation for mercy from, 218 III.
-, Kingston, lodging for regiments at, 51.
-, merchants of, dispute with Rear-Admiral Stewart, 433 p. 292.
-, lands and houses in, not liable for debt, 434 I.
-, lands uncultivated in, 578 p. 399.
-, Militia, 300 I.
-, composed of Irish servants, 433 p. 292, 435.
-, insufficient for defence, 550 XI, p. 375.
-, Missionaries for, from Ireland, 25 IV.
-, negroes, duty on, 383, 434 I, 486 p. 339, 550 XI p. 377.
-, free, hardships under Act regulating slaves, 308; *and see* Williams.
-, number of, 300 I.
-, imported and exported, duty on, 340.
-, disapproval of, 520 I.
-, raised, 147.
-, proposals to settle, 300 I.
-, proposal to transport to Bahamas, 300 I.

JAMAICA—*contd.*

-, rebellious and runaway, 486 p. 338.
-, act designed to suppress, 308.
-, captured, examination of, 25, 25 III.
-, Country party sent against, success of, 79.
-, danger from, 14 I.
-, defeat of, 79.
-, defence against, 415 I.
-, expedition against, 25, 351 I.
-, incited by Spaniards, 25, 25 I, 50.
-, incursions by, 486 p. 339.
-, measures taken against, 300 I, 312.
-, Act concerning, 312.
-, methods of treating, 328, 550 XI p. 377.
-, party fitted out against, 51, 202 I, 486, 532.
-, commander of, fate of, 51.
-, cost of, 351 I.
-, failure of, 328.
-, success of, 92.
-, proposals for reducing, 412 p. 267.
-, regiments sent to suppress, report upon, 292.
-, road making proposed as defence against, 14 I.
-, suppression of, 210.
-, towns of, burnt, 210.
-, use of Mosquito Indians against, 328.
-, settlement in mountainous parts of, account of, 300 I p. 185.
-, Pedro Shoals, Spanish man of war wrecked on, 328.
-, Pero plantation, Act concerning, 223.
-, pirates' effects, instruction concerning, 420.
-, population of, 486 p. 338, 550 XI p. 376.
-, Port Antonio, barracks at, repair and building of, 25.
-, country party at, 92.
-, huts at, 51.
-, lands in, negroes for, 27.
-, patents for, 27.
-, negroes, number of, 25 III.

JAMAICA—*contd.*

- Port Antonio, negroes—*contd.*
 rebellious, 51, 348, 486
 p. 339.
 expedition
 against, 147, 312, 433, 529, 532,
 550, 564.
 account
 of, 550 III, IV, VI, VIII; *and see*
 Millière, H. de la.
 defeat of,
 550 III, IV, VI, VIII, XI p. 377.
 list of
 killed and wounded, 550 v.
 regiments at, 51, 210.
 settlements at, 312.
 troops sent against negroes,
 difficulties of, 486.
 unhealthy condition of, 210.
 Portland settlement, 550 III.
 Port Royal, lodgings for regiments
 at, 51.
 repair of, payment for, 147.
 provisions, scarcity of, road-
 making proposed as remedy for,
 14 I.
 Provost Marshall, 434 II.
 Deputy, murder charge
 against, 51.
 quit rents, 218, 218 I.
 Receiver-General, 316.
 regiments (two) from Gibraltar
 for, 25, 25 II, 415 I, 532.
 arrival of, 51, 149, 210.
 commanding officers of,
 532; *and see* Cornwallis, S. Colonel;
 Hayes, Col.
 command of, requested by
 Governor Hunter, 95.
 Commissions in, granted by
 Governor Hunter, 117 I, II.
 condition of, 415, 433, 435.
 continuance desired, 415 I.
 correspondence concerning,
 589.
 death of Major of, 79.
 disposition of, 51, 79, 349.
 encouragement to settle,
 383.
 entering civil life, question
 concerning, 50 I.
 good effect of, 486 p. 338.
 health of, 50, 51, 79, 92,
 117, 119, 146, 147, 202 I, 328
 landing of, 51.
 list of officers and privates,
 415 II.
 march against negroes, 486,
 550 I.
 need for, 328.

JAMAICA—*contd.*

- regiments (two) from Gibraltar for,
 need for—*contd.*
 queries concerning,
 210.
 officers of, 550 XI.
 Commission for, 92, 146.
 death of, 202 I.
 and men, report upon
 health of, 292.
 proposal to disband and
 settle one in Jamaica, 300 I, 532.
 prize money for capture of
 negroes, 51.
 provision for, 25, 149.
 quarters for, 92, 147, 210.
 recall of, 412.
 difference of opinion
 concerning, 550 XI.
 recruiting for, 146.
 report upon, 338, 343, 370.
 settlement of, details of,
 351 I.
 encouragement of,
 370.
 proposed, 338, 343,
 348, 351 I, 412.
 recommended, 351 I.
 sickness among, 210.
 soldiers encouraged to settle,
 412.
 families to be sent out,
 412.
 subsistence for, 51, 51 I, 147,
 218, 316, 328, 383, 550 XI p. 377;
and see Jam. Act for *appropriating
 and applying money etc.*
 Act passed by narrow
 margin, 312.
 Assembly's provision
 inadequate, 328.
 difficulty in raising,
 415 I.
 funds for, 316.
 voted by Assembly,
 412 p. 266.
 withdrawal of, draft of
 instructions for, 491, 492.
 Revenue of, 550 XI p. 377.
 River Grandee, 550 IV.
 St. Davids, disturbances at, 486
 p. 339.
 St. Elizabeths, 532.
 St. George's settlement, 550 III.
 St. James's, disturbances at, 486
 p. 339.
 scheme for road-making in, 14,
 14 I.
 Seal, old, miscarriage of, 27.
 settlement in, hindered by debt
 regulations, 434 II.

JAMAICA—contd.

- settlers for, from regiments sent to, proposal for, 300 i; *and see* Jamaica, regiments.
-, shipping, duty on, 147, 434 i.
-, slaves in, number of, 300 i.
-, Spanish trading sloops taken at, 433.
-, release of, 433 p. 292.
-, stores of war for, 315.
-, sugar, low price of, 415 i.
-, summonses in, 548 p. 370.
-, Titchfield, regiments at, sent against rebellious negroes, 550 i.
-, trade of, declining, 415 i.
- James II, memorial concerning Tobago, 413 i.
- Jamison, Wm., N.Y., petition concerning, 197.
- Jarrold, Jacob, Judge of Vice-Admiralty Court, Bahamas, appointment of, 588.
-, recommended by Mr. Colebrooke, 588.
-, support of Mr. Colebrooke, 588.
- Jeffries, David, N.H., document signed by, 291 ii.
-, Geo., Councillor, N.H., ironworks of, 528 p. 360.
- Jencks (Jenks) Joseph, Governor of Rhode Island, 402, 582.
-, difficulties of, 539 i.
-, document signed by, 474.
-, instructions of, 539 i.
-, petition of, 539 i.
-, resignation of, 539 i.
- Jenings, Edm., Maryland, document signed by, 434 iv.
- Jenner, —, Councillor, Bahamas, charges against, 46, 47 p. 34.
- Jenneway, Richard, deposition signed by, 32.
- John Pink*, ship, 479 iv.
- Johns, Johns, arrest of, warrant for, 333 i, ii.
- Johnson, Robert, Governor of Carolina South, and Capias Act, 548 p. 370.
-, house rent, 488 p. 344.
-, instructions of, 368, 488 p. 341, 501, 504.
-, additional, 519 i, 540 ii.
-, letter from, 102, 103, 356, 368, 488, 489, 555.
-, letter to, 120, 501.
-, proclamation of, 488 p. 344, 488 vi.
-, recommendation of, 103 i, ii.
-, salary of, 488 p. 344,
- Johnston, John, junr., Councillor, New Jersey, document signed by, 310 i p. 195.
- Jones, —, Brigadier, letter to, 445.
-, Thomas, Virginia, recommended for Council, 567 p. 390.
- Joseph*, ship, 423, 479, 479 iii.
- Joslin, Emanuel, Philadelphia, deposition of, 479 iii.
- Julian, John, Newfoundland, letter to, 422 iv (c).
-, servant of, dispute concerning, 422 iv (c)—(g).
-, wife of, 422 iv (d).

K.

- Kaderachque Lake, French designs at, 478 iii.
- Kay, Nathaniel, Collector of Customs, Rhode Island, document signed by, 402 i, 539 ii.
-, letter from, 402.
- Keen, —, letter from, 338.
- Keen, Wm., a Justice of Newfoundland, memorial from, 8.
- Keith, Sir William, late Governor of Pennsylvania, 89 i (xv).
-, German and Swiss Protestant Settlement in Virginia, offers to accompany, 178.
-, grants of land to, in Virginia, proposal for, 40.
-, letter from, 131, 178, 198, 239, 391.
-, lodgings of, 198.
-, opinion by, on settlement beyond the Great Mountains, Va., 131.
-, petition of, 198, 239, 342, 342 i.
- Kennebeck River, 12, 217.
-, Fort Richmond, Commander of. *See* Heath, Joseph.
-, lands on, settlement of, 49; *and see* Dunbar, Col.: Nova Scotia; Mass. Bay.
-, sawmills on, 12.
-, pine trees reserved for R. Navy, destroyed for, 12.
- Kennedy, D., Captain, letter from, 19 ii.
-, William, proposed as Deputy Provost Marshall, Barbados, 19, 19 i, ii.
- Kiersted, Jacobus, New York, memorial concerning, 94.
-, Jesse, memorial concerning, 94.

King, Capt., Jamaica, Act concerning, 223.
 Story, petition of, 338.
 Thomas, Jamaica, estate of, Act concerning, confirmed, 4.
 Kingston. *See* Jamaica, Kingston.
 Kip, Isaac, statement by, 478 III.
 Kithanning, 478 v.

L.

La Fountayne, Peter, Jamaica, wounded, 550 IV.
 Lake, Sir Bibye, deposition of, 353 VIII.
 lands of, grants of, 353 XI, XII.
 petition of, 144 I, 353, 353 II.
 referred, 172.
 Thomas, Captain. Boston, grandson of, 144 I.
 lands of, claim to, 353 VIII.
 Lake Erie, French trade routes to, 89 II.
 Lakes, the Great, importance of, 290.
 Larke, H.M.S., 435.
 Lancelot, Captain, attack upon, 217 p. 123.
 Lancey, James, New York, document signed by, 464 I.
 Lane, Henry, Councillor, New York, recommended for Council, 245, 246.
 Langher, Mrs., 218 II.
 Lardick, Lodwick, murder of, 116.
 La Salle, expedition of, 89 II.
 Lawes, Sir Nicholas, instructions of, 434 I.
 Lawford, Samuel, Bahamas, bond of, 214.
 committed for trial, 231 II (b).
 Lee, —, Jamaica, commendation of, 550 IV.
 wounded, 550 IV.
 Lee, Thomas, Virginia, recommended for Council, 567 p. 390.
 LEEWARD ISLANDS, THE; *and see* Antigua; Montserrat; Nevis; St. Christopher; Virgin Islands.
 Acts of, book of, 385.
 Assembly, dispute with Wavell Smith, 59.
 Captain-General of. *See* Cosby, William, Col.
 absence of, instructions for, 183.
 order concerning, 234.
 petition concerning, 183.
 and Chancery Courts, Antigua, 200.

LEEWARD ISLANDS—*contd.*

Captain-General of—*contd.*
 instructions of, 183.
 powers of, 552 I.
 Council and Assembly of, 385.
 Court, Admiralty, Judge of, sentence by, 57.
 exports and imports of, 561.
 Government of, devolution of, in absence of Captain-General, 183, 200, 226.
 order concerning, 234.
 regulations for, 226.
 Governor of. *See* Hart, John; Forbes, Lord; Cosby, William, Colonel.
 instructions to, 41.
 additional, 540 II.
 gun carriages in, material of, 570.
 latitudes and longitudes of, taken, 59.
 Lieutenant-General of. *See* Mathew, William.
 absence of, order concerning, 234.
 acts for Captain-General, 183.
 and Chancery Courts in Antigua, 200.
 pirates, goods captured by, restitution for, proclamation concerning, 57.
 population of, British, decrease in, 494 p. 348.
 French, increase in, 494 p. 348.
 relative importance of each, 183.
 sugar trade, 414.
 trade of, 406 p. 258.
 illegal, 473 p. 325.
 Leghorn, trade with, 474.
 Leheup, Peter, Clerk of the Treasury and Agent for Virginia and Barbados, 306, 309.
 appointment as agent for Barbados, 19.
 letter from, 62, 578.
 memorial of, 68, 74, 85.
 opinion on Tobacco Act, 85, 86.
 Lehy, Francis, Dublin, letter from, 25, 25 IV.
 Leisley, John, New York, petition against, 197 I.
 Le Merkin, Nicholas, son of William, charge against, 422 II (t), (u), (v).
 William, Portugal Cove, Newfoundland, order to, 422 II (r).
 disobeyed, 422 II (t), (u), (v).

Lemont, Thomas, N.H., trial of. 73 i.
 papers relating to.
 73 II-XVI.
 Lenoir, —, Deputy Secretary, Barbados.
 106.
 Lewes, Pennsylvania, Collector and Naval
 Officer at, 89 i (vii).
 , shipping from, 89 i (iv).
 Lewis, John, Virginia, recommended for
 Council, 567 p. 390.
 Lightfoot, Philip, Virginia, recommended
 for Council, 567 p. 390.
 Lignum vitæ, for gun carriages in Leeward
 Is., 570.
 Lima, 147.
 Lime, H.M.S., 486 p. 337.
 Lindsay, John, Naval officer, New York.
 document signed by, 463 iv.
 Linen manufacture. *See* under separate
 Colonies.
 , in the Plantations, 87.
 , discouragement of, 321 i.
 Lisbon, trade with Pennsylvania, 89 i
 (vi, vii).
 Lisle, de, —, map of, 89 i.
 Little, —, Car. N., complaint against, 559.
 Little Caiman, sloop wrecked on, 25 v.
 Little, John, mate, *Union* sloop,
 deposition of, 484 i.
 Liverpool, Mayor, Aldermen and traders
 of, petition of, 39 II, 137.
 , referred to Parlia-
 ment, 137.
 , Merchants of, petition of, 328, 383.
 Lloyd, John, Speaker of Assembly, Car.
 S., document signed by, 103 i.
 Logan, —, account of Indians and French
 trade, routes etc. by, (1718).
 89 i (xv), (xvi), 89 II.
 London, Bishop of, clergyman for Ports-
 mouth, N.H., to be ordained by,
 291 p. 177.
 , Merchants trading with Jamaica,
 letter from, 434.
 , petition from, 434 i.
 , Merchants and traders of, petition
 of, 98 i, 290 p. 171, 328, 367 i,
 383, 507 i.
 , Virginia's argument
 against, 473.
 Lords, House of, address from, 224 i.
 , Clerk of. *See* Cowper, Wm.
 , debate on Commons' bill
 concerning manufactures in
 Colonies, 321 i.
 , order of, 125, 156.
 , papers concerning Sugar
 Islands and Northern Colonies
 laid before, 159.
 , sugar bill, rejection of. 473
 p. 324.

Louisburgh (Lewisburgh), French fort at,
 24.
 Louisiana, French boundary of, 89 i.
 , maps of, incorrect, 89 i.
 Lovick, —, Carolina North, complaint
 against, 559.
 , recommended for Council,
 404.
 Lowndes, Thomas, Provost Marshall and
 Clerk of the Peace and Crown,
 Carolina South, complaint of, 488
 p. 343.
 , letter from, 99, 450, 548.
 , letter to, 450 i.
 , opinion by, 548.
 , petition of, 305, 548.
 , missing, 306.
 , protest to, 120.
 , re-appointment of, 48.
 Lowther, Robert, late Governor of
 Barbados, letter to, 384, 416.
 Luce, Peter, executor of Joshua Wroe,
 422 II (f).
 Luckes, Capt., ship of. lost on Western
 Islands, 228.
 Lyle, John, deposition of, 484 i.
 Lyston, John, Newfoundland, 422 II (y).

M.

MacCarty, Donough, Baron Muskery,
 Commander, R.N., 25, 47, 116.
 , *Genoesa* treasure in charge
 of, 116, 118.
 Macferson, John, mariner, Pennsylvania.
 tried for piracy, 479, 479 i.
 , deposition of, 479 iv.
 Mackintosh, —, Jamaica, ear cut off.
 550 III.
 Macmurphy, John, New Hampshire,
 document signed by, 291 II.
 Madeira, trade with, 375, 386 p. 242.
 , with Pennsylvania, 89 i
 (vi, viii).
 Maine; *and see* York County.
 , annexation to York County, order
 for, 301 iv.
 , Courts of Vice-Admiralty at, 377
 p. 233.
 , cases to be heard in New
 Hampshire, advantages of, 301.
 , lands in. dispute concerning, 217
 p. 124.
 , lands east of, annexed to York
 County, 66 VII.
 , and Nova Scotia, lands between,
 claims to, 13, 13 i.
 , pine woods in, cases heard at
 Boston, inconvenience of, 301.

Maine—*contd.*

-, population of, scanty, 217 p. 123.
-, province of, 291 p. 177.
-, York, 374.
-, sheriff of. *See* Moulton, Major.
- Manley, Jno., H.M. Customs, letter from, 68.
- Manufactures, British, affected by Sugar Colonies regulations, 414.
- Mara Provouze, wreck upon, 484 i.
- Margaritta, trade with, 386 p. 244.
- Marie Galante, flourishing condition of, 386 p. 243, 494 p. 349.
- Marion, Joseph, Public Notary. N.H., certificate attested by, 28 iv.
- Marshall, John, Placentia, petition of, 422 ii (f).
- Martinique, flourishing condition of, 386 p. 243, 494 pp. 348, 349.
-, Governor of, 106.
-, guarda costa, seizures by, 106 p. 75.
-, inhabitants of, 494 p. 348.
-, French, trade of, 106.
-, sugar plantations in, 414.
-, trade of, 494.
-, illegal, 473 p. 325.
-, with Plantations, 414.
- Mary snow, seizure of, 440.
-, invoice, depositions concerning, 440 i.
- MARYLAND. Act concerning duty on furs exported, 434 i (iii).
-, Act concerning duty on negroes and Irish servants, 434 i (iii).
-, Act concerning duty on pork imported, 434 i (iii).
-, Act concerning duty on shipping, 434 i (iii).
-, Act for the relief of creditors in England against bankrupts etc., 434 i (iii).
-, Assembly of, address from, 375.
-, journal of, 375 p. 232.
-, boundaries of, 89 i.
-, at Chesapeake Bay, 89 i.
-, claims concerning, 89 i.
-, climate of, 375 p. 231.
-, debts in, recovery of, opinion upon, 434 iv.
-, Governor of, instructions, additional, for, 540 ii.
-, Indians, 89 ii p. 66.
-, Lient. Governor of. *See* Calvert, Benedict, Leonard; Ogle, Samuel.
-, linen and woollen manufacture, 375 p. 232.
-, patent of, for Lord Baltimore, 89 i p. 60.

MARYLAND—*contd.*

-, produce of, 375 p. 231.
-, queries concerning trade and produce, reply to, 375.
-, sugar, rum, molasses imported from, account of, 63, 65 i.
-, tobacco, 375 p. 231.
-, low price of, 375 p. 231.
-, trade, 406 p. 260.
-, trade of, 375, 528 p. 360.
-, trading vessels of, 375 p. 231.
- Mascarene, Paul, Major, Councillor, Nova Scotia, proposed as President of Council, 427.
-, representation from, 427 ii.
- MASSACHUSETTS BAY AND NEW HAMPSHIRE: and *see* New England.
-, Act in addition to Act for ascertaining the number and regulating the House of Representatives, referred, 317.
-, Act in addition to the act encouraging the killing of wolves, referred, 317.
-, Act in addition to an act for regulating fees, passed, 80 i.
-, Act in addition to the act for regulating weights and measures, referred, 317.
-, Act in addition to the act for settling estates of intestates, referred, 317.
-, Act in addition to the several acts for the settlement and support of Ministers (1727), petition concerning, 460 i.
-, Act for apportioning and assessing a tax of £8,000 etc., passed, 80 i.
-, Act for ascertaining the number and regulating the House of Representatives, preamble of, 545.
-, referred, 482.
-, Act for assessing taxes of £6,818, referred, 576, 576 i.
-, Act for the better curing and culling of fish, referred, 576, 576 i.
-, Act for the better regulating swine, referred, 576, 576 i.
-, Act directing how rates and taxes to be granted by the General Assembly etc., passed, 80 i.
-, Act for dividing the town of Taunton and erecting a new town there by name of Raynham, referred, 317.
-, Act for the ease of prisoners for debt, passed, 80 i.
-, Act empowering Courts to adjourn to other towns in case of small-pox, referred, 317.

MASSACHUSETTS BAY AND NEW HAMPSHIRE—*contd.*

- Act for encouraging the killing of wild cats, referred, 576, 576 i.
- Act encouraging the raising of hemp, referred, 317.
- Act for enlarging the pay of the members, etc., (1726), referred, 482.
- Act for erecting the County of Worcester and establishing Courts of Justice there, referred, 317.
- Act for erecting the north easterly part of the town of Woburn etc., passed, 80 i.
- Act for granting £5,400 for the support of H.M. Governor, 81, 457.
- assent to, 350 i.
- Governor instructed to pass, 354.
- previously voted, but not consented to, 236, 236 i, 244.
- Act for granting H.M. several imports and tunnage of shipping, passed, 80 i.
- Act empowering Commissioners to determine the bounds of this Province and New Hampshire, referred, 317.
- Act for naturalizing Protestants of foreign nations, referred, 317.
- Act for payment of Members of Council and the Representatives from 14th Oct. etc., referred, 317.
- Act to prevent deceit in the gauge of cask, referred, 317.
- Act to prevent frauds in muster-rolls, referred, 317.
- Act to prevent unnecessary lawsuits, referred, 317.
- Act regulating the soldiers in H.M. service and in the pay of this Province, referred, 317.
- Act for relief of debtors, referred, 317.
- Act supplementing Act referring to the poor, referred, 317.
- Act for supplying the Treasury with £6,000, referred, 317.
- Act for supplying the Treasury with the sum of £13,000, in bills of credit on this Province, passed, 80 i.
- Act (1730) for support of H.M. Government, copy of, 81 ii.
- Act, temporary, repealing clause in an act, opinion upon, 510.
- Acts of, 180, 521.
- approbation of, 448, 449.
- confirmed, 545.
- copies of, 80 iii.
- concerning duty on goods imported in ships not belonging to the province, copy of required, 156.

MASSACHUSETTS BAY AND NEW HAMPSHIRE. Acts of—*contd.*

- relating to Governor's salary, 326.
- consideration of, 335.
- list of, 358 i.
- obliging members of the Church of England to support Presbyterian and Independent teachers, petition against, 460 i.
- opinion upon, 105.
- passed, 80 i.
- referred, 80, 93, 229, 355, 499.
- concerning Trade and Navigation of Great Britain, 528 p. 360.
- transmitted, 126.
- Advocate-General of. *See* Auchmuty, Robert.
- Agent of, 80.
- Assembly of, 6, 13, 77, 136.
- Acts concerning Governor's salary, 230.
- address from, 499.
- adjournment of, 380, 387, 457.
- dissolution of, 6, 157.
- failure to provide for Governor Burnet's children, 157.
- Governor's salary, 12, 72, 335, 457, 538.
- Act concerning, assent recommended, 350, 350 i.
- bill for settling, Governor's assent refused for, 53.
- difficulty in determining, 230, 244.
- instructions concern- ing, 6.
- opposition to fixing, 157 p. 99.
- refusal to vote, 136, 236.
- voted, petition concern- ing, 334.
- Governor's speech to, 126.
- journal of, 6, 72, 126, 136, 208, 236, 538.
- Governor's method of transmission criticised, 126.
- new, 72, 136, 158.
- effect of *Political State of Great Britain* upon, 126.
- Governor's salary, refusal to comply with instructions concerning, 126, 126 i.
- opposition to Gov- ernor Belcher, 126.
- refusal to vote Governor's salary, 208.

MASSACHUSETTS BAY AND NEW
HAMPSHIRE, Assembly, new—*contd.*

-, writ for, 126, 157.
-, question of passing accounts for payment, 466 i.
-, refusal to vote money for support of Government, 321, 380, 457.
-, Speaker of. *See* Quincy, John.
-, votes of, 157.
-, Attorney-General of. *See* Overing, J.
-, bills of credit, 457.
-, Boston. *See* Boston.
-, boundaries of, 98 i.
-, with New Hampshire, Commissioners for, 455, 457.
-, appointment of, 455 iii.
-, meeting of, 291 iii.
-, not approved by Governor Belcher, 291 ii.
-, report of, 455 x.
-, difficulty in settling, 457.
-, dispute concerning, 455.
-, hardships in delay in settling, 291 ii.
-, instructions concerning, 49.
-, settlement of, 291 p. 176, 459 i.
-, Charter of, 244, 291 p. 177, 353, 457, 460 i, 466 i, 586.
-, Assembly's encroachments upon, 157 p. 100.
-, clauses affecting lands between Nova Scotia and Maine, 13, 13 i, 16.
-, Councillor for Pemaquid district appointed under, 13.
-, Explanatory, 380.
-, lands granted under, 13, 13 i.
-, coins, currency, paper, bills of credit, 539 ii p. 366.
-, striking and issue of, effect of, 468.
-, Council of, Governor's salary, address concerning, 244.
-, attitude towards, 126 i.
-, minutes of, 521.
-, poor attendance of, 208.
-, refusal to support Government, 380.
-, Secretary. *See* Willard, Josiah.

MASSACHUSETTS BAY AND NEW
HAMPSHIRE—*contd.*

-, Council and Assembly, address from, 244, 466.
-, reasons in support of, 466 i.
-, bill for Governor's salary, passed by, 157 i, 345 i.
-, Governor's speech to, 126 i.
-, minutes of, 66 vii, 180.
-, order concerning annexation of Maine to York County, 301 iv.
-, resolution concerning lands east of Maine, 66 vii.
-, Councillors. *See* Waldron; Gambling.
-, Court, General, proceedings of, 6 i.
-, Courts, 12.
-, proceedings in, 13, 72.
-, Vice-Admiralty, complaints against pirates heard in, 157 ii.
-, Judge of, Courts held in New Hampshire by, 410.
-, Customs, Collectors of, 377 p. 234.
-, flax, encouragement of, 528 p. 359.
-, forges and furnaces in, list of, 217 p. 127.
-, forts and garrisons in eastern part of, survey of, 28 iv.
-, Fredericksfort, action taken against, 16, 301, 301 i, ii, 302, 302 i.
-, explanation by Governor, 6, 12, 12 i, 16.
-, Governor's denial of, 126.
-, Government of, Assembly's refusal to support, 321, 380, 457.
-, support of, 466 i.
-, to be raised only by acts of Assembly, 468.
-, Governor of. *See* Belcher, J.; Shute, Samuel; Burnet, William.
-, instructions of, 49, 468.
-, concerning absence from province, 377 x.
-, salary of, 53.
-, acts concerning, Privy Council Conference upon, 326.
-, fixing of, 157 p. 99; *and see* Belcher.
-, and Assembly, power to grant lands under Charter, 353.
-, and Council, order from, 301 i, iv.
-, hemp, encouragement of, 528 p. 359.

MASSACHUSETTS BAY AND NEW HAMPSHIRE—*contd.*

- House of Representatives, 388 i.
-, address from, 468.
-, journal of, 320, 455, 528 I-III.
-, request for, 156.
-, objection to Governor's instructions, memorial concerning, 157.
-, Indians, 126 II (*xv*).
-, importance of friendship with, 12 p. 6.
-, interference with settlements by, 144 i.
-, lands between Kennebeck and St. Croix Rivers claimed by, 353.
-, lands of, title deeds of, 12.
-, trade with, 12 p. 4.
-, war with, 144 i, 353, 353 IX, XIV.
-, inhabitants of, disloyal attitude of, 77.
-, Irish in, 528 p. 360.
-, iron in, 528 p. 360.
-, lands between Kennebeck and St. Croix Rivers, claim to, 144 i, 466, 499, 500.
-, upheld, 353 i.
-, settlements interrupted by Indians, 144 i.
-, lands in Nova Scotia, claim to, 13, 13 i.
-, dispute over, 49 pp. 36, 37.
-, lands between Sagadahock River and Gulf of St. Lawrence, claim to, 586.
-, lands in, title deeds of, 12.
-, quit rents, 12.
-, Lieutenant Governor of. *See* Wentworth, John; Tailer, William; Dummer, William.
-, instructions for, 6.
-, position of, 377 p. 233.
-, Lt. Governor Tailer and Committee sent to Fredericksfort, 301.
-, linen manufacture, 528 p. 360.
-, manufactures in. 528 pp. 359-360.
-, acts encouraging, 528 p. 359.
-, ministers in, support of, 460 i.
-, naval stores, 528 p. 360.
-, Pemaquid, proposed expedition against, denied by Governor Belcher, 77.
-, fort at, refusal to build, 217 p. 123.
-, pirates, proclamation concerning, 157 i.

MASSACHUSETTS BAY AND NEW HAMPSHIRE—*contd.*

-, Representatives of, method of electing, 545.
-, Richmond Fort and Garrison supported by, 353 XIII.
-, settlements in Nova Scotia, opposition to, 217 p. 123.
-, Sugar trade, representation upon, 561.
-, trade of, 528 p. 360.
-, with foreign Sugar Colonies, report upon, 125.
-, with French, 414.
-, Treasurer, accounts of, 521.
-, Treasury, drafts upon, 466 i.
-, lack of funds, 321, 528.
-, supply for, difficulty in, 380.
-, method of raising, 468.
-, opposition of Assembly to voting, 457.
-, H.M. Woods in, destruction of, proclamation concerning, 13 II.
-, preservation of, instruction concerning, 6.
-, proclamation concerning, 6.
-, woollen manufacture, 528 p. 360.
-, York County, 6 i; *and see* Maine; York County.
-, sheriff of. *See* Moulton, Major.
- Massey, —, Capt., Car. S., 488 p. 343.
- Mathew, William, Lieut. General of the Leeward Islands, 266, 569.
-, instructions to, 544.
-, leave of absence for, 162, 163.
-, letter from, 57, 58, 59, 535, 570.
-, letter to, 69, 523, 530.
-, proclamation concerning pirates, 57.
- Maxwell, Jos., Clerk of the Council, Jamaica, document signed by, 415 i, 550 XI.
- Mayflower*, of Bristol, 67.
- Merchant Taylors Company, 346.
- Meriwether, Nicholas, Virginia, recommended for Council, 567 p. 390.
- Merrimack River, boundary of New Hampshire and Massachusetts Bay, 291 p. 177.
-, inhabitants of, complaint from, 291 II.
- Mexico, Bay of, 89 II.
- Miami Fort, 89 II.
- Miamies (Oumamies), 89 II; *and see* Indians.
- Michigan Lake (Illinois), 89 II p. 66.

- Micklethwaite, Joseph, Viscount, Barbados, 106.
 accounts of, 503 i.
 petition from, 503 i.
- Middleton, Arthur, late President of Council, Carolina South, 120.
- Mill, Richard, Chief Justice of Jamaica, petition to, 218, 218 ii.
- Miller, Robert R.M., constable, Newfoundland, letter from, 422 ii (a).
- Millière, H. de la, Captain, commanding Country party in Jamaica, journal of, 550 iii, iv.
 letter from, 550, 550 iv.
 letter to, 550 viii.
- Mills, Edward, Placentia, order against, 422 ii (f) (g).
- Mines, in America, observations on, 424.
- Miranda, —, Commission issued by, 337 ii.
- Missilimakina, Straits of, French garrison at, 89 ii.
- Mississippi River, 89 ii, 178.
 French encroachments on, 478.
 French settlements on, 112, 406 p. 261.
 French trade routes on, 89 ii.
 importance of, to trade, 131.
 Indians, trade with, 131.
 lands by, fertility of, 112.
 importance of, 112.
 trade routes, 89 ii p. 65.
- Mitchell, Richard, Quidividi, deposition of, 422 iv (a).
- Moloy, —, Captain, death of, 92.
- Monmouth, James, Duke of, estates of, confiscated, 571 p. 394.
- Montgomerie (Montgomery), John, Governor of New York and New Jersey, 298.
 character of, 293.
 death of, 293, 302, 310, 310 i, 580.
 deposition of, 135.
 letter from, 61, 134, 245, 246.
 extract of, 221, 221 i, 228.
 letter to, 221 ii-iv, 314.
- Montreal, 89 ii.
 Indians taken to, by French, 478 v.
- MONTserrat *and see* Leeward Islands.
 inhabitants, decrease of, 494 p. 348.
- Moore, John, Pennsylvania, petition of, 223.
- More, —, late Governor of Carolina South, 548 p. 371.
- Morrice, Hum., Councillor, Jamaica, document signed by, 301, 367 i, 434.
- Morrice, Hum.—*contd.*
 letter from, 215.
 letter to, 209, 401, 434 ii.
- Morris, John, Councillor, Antigua, appointment of, 557.
 proposed for Council, 546.
- Morris, Lewis, President of Council, New Jersey, address to, 310 i.
 Government carried on by, 310 i.
 support for, 310 i p. 192.
 letter from, 310.
 long service of, 310 i.
 suspension by late Governor, 310 i p. 193.
 warrant for use of new seal, 558 i.
- Morrogh, —, letter to, 25, 25 iv.
- Moseley, E., Speaker of Assembly and Surveyor General, Carolina North, charges against, 404 p. 256.
 document signed by, 195 i.
 lands taken up by, 404.
 letter from, 195.
 map prepared by, 195.
- Moulton, Jer., Major, High Sheriff of York County, 73 i.
 action taken at Fredericksfort (Pemaquid) by, 77, 126, 157, 301, 302.
 order for, 301 ii (a) (b).
 reply to, 301 ii.
 warrant for, 301 i, 302 i.
 case of sloops seized at Pemaquid, 21.
- Mountague, R., Agent for Governor Rogers, letter from, 369, 527.
- Mulberry, J., document signed by, 180 i.
- Muller, Albert, estate of, administration of, 356, 356 i.
- Mumbie, Humphrey, 25 iii.
- Murray, —, executors of, 25.
 Jos., N.Y., petition concerning, 197.
- Murrell, Wm., Secretary of Council, Nova Scotia, document signed by, 493 i.
- Muscongos Company, the, 217 p. 121; *and see* under Nova Scotia.
- Muscongos Mountain, claim to, 217 p. 123.
- Muskerry, Lord. *See* MacCarty, Donough, Baron Muskerry.

N.

- Naval Office or Officers, *see* under separate Colonies.
- Naval Stores. *See* under each Colony.

Navy, the Royal, H.M. ships :

Adventure.

Cruizer.

Dursley.

Endeavour sloop.

Enterprise.

Hannibal.

Larke.

Line (Lyne).

Pearl.

Plymouth.

Salisbury.

Scarborough.

Seahorse.

Tartar.

Winchelsea.

..... white pines and oak for, in Nova Scotia, 217 p. 121.

..... woods reserved for in Nova Scotia, 44, 427, 427 1.

Nedham, —, Colonel, Jamaica, lands of, 27.

..... negroes of, desertion of, 486 p. 339.

Negroes. *See* under Plantations; and under each Colony.

Nelson, —, Nova Scotia, lands of, title to, 217 p. 122.

..... purchase of, 217 p. 122.

NEVIS; and *see* Leeward Islands.

..... Council of, minutes of, 59.

..... President of. *See* Smith, Michael; Richardson, John; 183.

..... powers of, 226.

..... inhabitants, decrease of, 494 p. 348.

..... Lieut.-Governor of, 183, 226.

..... Naval officer, list of vessels, 59.

..... situation of, 183.

Newbury, N.H., 291 111.

Newcastle, Pennsylvania, 217 p. 121.

..... boundary at, 89 1.

..... Collector and Naval Officer at, 89 1 (vii).

..... fort, Colonel Dunbar and Captain Walton at, 373 1, 11.

..... shipping from, 89 1 (iv).

Newcastle, Duke of. *See* Pelham, Holles.

NEW ENGLAND, and *see* Massachusetts Bay; New Hampshire; Newfoundland, fishery: Rhode Island; Connecticut.

..... Act (1694) for the better rule and government of the Indians etc., copy required, 125.

..... Canso. *See* Canso.

..... coins, currency, paper, value of, 468.

..... Courts of Admiralty, complaints against, by Col. Dunbar, 49.

NEW ENGLAND—*contd.*

....., disputes in, 126 1 p. 87.

....., documents, Index to Entry Books, 592.

....., flourishing condition of, 468.

....., Governor of, Instructions to, 114.

....., order to, 49.

....., hemp and flax in, enquiry concerning, 87.

....., planting of, 114.

..... seed for Fredericksfort, 12.

....., Indians, 89 11 p. 66.

....., iron, manufacture of, 88.

....., tools made from, 88.

....., lands in, grant of, petition concerning, 172.

....., lands on Kennebeck River claimed by, 12 p. 5.

....., lands between Sagadahock River and Gulf of St. Lawrence, claim to, 586.

....., settlement by Colonel Dunbar, petition concerning, 586.

....., Plymouth, Council of, 353.

....., regiments raised in, 353 x.

....., rum, advantages of advance in price of, 578 1 p. 398.

....., rum, sugar, molasses, 406 p. 260.

....., imports, account of, 63, 65 1.

....., trade with French, 578 1.

....., shipbuilding in, 88.

....., shipping, 406 p. 261.

....., Taunton, ships built at, 88.

....., trade of, 113 1.

....., with foreign Sugar Colonies, report upon, 125.

....., with French, 414.

....., with Newfoundland, 584.

....., H.M. Woods in, waste and abuses of, 447.

....., woollen, linen, cotton manufacture, account of, 114.

....., enquiry concerning, 87.

NEWFOUNDLAND: Act (William III), concerning fishing Admirals, 110.

....., opinion upon, 422 1.

....., Canso. *See* Canso.

....., Capling Bay, 333.

....., churches for, clergymen for, 90.

....., erection of, petition for, 90.

....., Conception Bay, Justices of the Peace, letter to, 422 11 (o).

....., Convoy for, Commodore of, Heads of Enquiry for, 150, 151.

....., Courts in, 422 11 (z).

....., debts in, seizures for, abuse of, 422 c (i).

....., proclamation concerning, 422 c (i).

NEWFOUNDLAND—*contd.*

-, disorders in, 508.
-, districts, division of, 422 iv.
-, felons and convicts in, transportation of, danger from, 422 ii (m) p. 279.
-, disadvantages of, 422.
-, Fermouse, Fishing Admirals. orders to, 422 ii (x).
-, Ferryland, 333.
-, fishery of, 24, 24 v.
-, account of, 333.
-, convoy for, 43.
-, Heads of Enquiry, 43.
-, regulation of, Act for, 422 i.
-, scheme of, 155 i, 422 iii.
-, and sugar trade, 561 p. 386.
-, fishing Admirals, charges against, 319, 331, 422.
-, disputes with Justices of the Peace, 319, 319 ii, 331, 331 i, ii, 332, 333, 333 ii, 422, 508.
-, query concerning, 9, 10.
-, instructed to hold a Court, 422 ii (z).
-, interference with Justices, 110.
-, powers of, 333 ii.
-, opinion upon, 110, 422 i.
-, proclamation concerning, 319, 331 ii.
-, query concerning, 9, 10.
-, reply to, 110.
-, Governor of. *See* Osborne, Henry; Clinton, George.
-, hemp and flax in, 90.
-, Indians, French intrigues with, 584.
-, rupture feared, 584.
-, inhabitants, goods for, complaint concerning, 90.
-, petition of, 90.
-, Irish Papists in, insolence of, 422.
-, Justices of the Peace. *See* Keen, Wm.; Weston, Wm.; Southmayd, A.
-, commission of, 10, 110 ii, 155 i.
-, disputes with Fishing Admirals, 319, 319 ii, 331, 331 i, ii, 332, 333, 333 i, 422, 508.
-, query concerning, 9, 10.
-, interference with Fishing Admirals, 110.
-, names of, 422 iv.

NEWFOUNDLAND—*contd.*Justices of the Peace—*contd.*

-, powers of, 9.
-, opinion upon, 110, 422 i.
-, proclamation concerning, 319 i, 331 ii.
-, proceedings of, 422 ii, 422 iv (a)—(i).
-, queries concerning, reply to, 110.
-, Louisburgh, fortifications at, 584.
-, Musketta, murder at, 331, 333.
-, persons sent home for trial, charges of, 422 ii (m) p. 279.
-, Placentia, 332, 333.
-, fire at, 426.
-, fishery of, 422 iii.
-, scheme of, 421, 421 i, 444, 444 i.
-, Fishing Admiral. *See* Chappell (Chapple), James.
-, complaint of, 421, 421 ii.
-, dispute with Justices of the Peace, 421 ii.
-, letter from, 421, 421 ii.
-, order to, 422 ii (g).
-, fort, repair of, 422 ii (c).
-, Garrison, charges against, 421 ii.
-, establishment of, 422 ii (c).
-, need of troops for, 421.
-, reviewed, 422.
-, inhabitants, number of, 421 i.
-, Justices of the Peace, complaint by, 422 ii (b).
-, dispute with Fishing Admirals, 421 ii.
-, Lieut. Governor of. *See* Gledhill, S.
-, Roman Catholics in, 422 ii (m) p. 279.
-, St. John's, Court at, order of, 422 ii (y).
-, Fishing Admirals, letter to, 422 ii (z).
-, Justices of the Peace. *See* Weston, Wm.; Southmayd, A.; 422 iv (a).
-, difficulties in executing their Commission, 422 ii (m).
-, letter to, 422 iv (b), (i).
-, order to, 422 ii (v).
-, representation from, 422 ii (m).

NEWFOUNDLAND—*contd.*

- St. John's—*contd.*
, prison for, 422 II (m) p. 279.
 (n), (o).
, Collectors for, accounts
 required, 422 II (n).
, letter to 422 II
 (n) (s).
, levy for building,
 422 II (m), (n), (o), (p), (q).
, St. Mary's, fishery of, 422 III.
, St. Peters, fortifications useless,
 584.
, ships seized by pirates, order
 concerning, 332.
, Trade and Fishery, Act of Par-
 liament relating to, explanation
 desired, 422 II (m) p. 280.
, Trepassy, fishery of, 422 III.
, Trinity Bay, Justices of the Peace,
 letter from, 422 IV (b).
, Trinity Church, churchwardens
 for, 422 II (k).
, Trinity District, Justices of the
 Peace, commission of, 422 II (j).
, letter to, 422 II (j), (k).
, Harbour, Justices of the
 Peace, letter from, 422 IV (i).

Newgate, Convicts. General Pardon for,
 542.

NEW HAMPSHIRE. Act concerning bills
 of credit, 374.

-, Act for emitting £6,000 in bills
 of credit and postponing payment
 of money due, *etc.*, Governor's
 assent to, refused, 28, 28 III.
, referred, 28, 28 III, 72.
, Act for encouraging iron-works,
 528 p. 360.
, Act for removing Courts from
 Portsmouth, objections to, 374.
, Acts of, 208.
, affecting Trade and Navi-
 gation of Great Britain, 528 p. 360.
, referred, 229.
, transmitted without seal,
 499.
, Assembly of, proceedings in, 455,
 528 p. 361.
, prorogued, 291 pp. 174,
 176, 291 III.
, disappointment caused
 by, 291 II.
, Speaker of. *See* Wiggan,
 Andrew.
, summoned, 158, 291 III.
, boundaries of, 126 II, 217 p. 123.
, with Massachusetts Bay,
 Commission to settle, 291 p. 174,
 291 III, 455, 457.

NEW HAMPSHIRE—*contd.*

- boundaries of, with Massachusetts
 Bay, Commission to settle—*contd.*
, appointment of,
 455 III.
, report of, 455 x.
, not approved by
 Governor Belcher, 291 II.
, difficulty in settling,
 457.
, dispute concerning,
 455.
, instructions concern-
 ing, 49.
, settlement of, 291
 p. 176, 459 I.
, hardship caused
 by delay in, 291 II.
, British manufactures in, 126 II (v).
, Charter of, 374.
, Church of England in, 291 p. 177.
, Coins, currency, paper, 457.
, scarcity of, 299, 299 I.
, sinking fund, 299, 299 I.
, Commission of the Peace in, 374.
, condition of, 291 p. 175.
, Constitution of, 126 II.
, Council of, Minute concerning Act
 for emitting £40,000, 291 II.
, persons recommended for,
 291 p. 178, 320, 455, 462, 499, 500.
, President of, instructions
 to, 455.
, small numbers of, 28, 29.
, Council and Assembly, address
 from, 459 I.
, and inhabitants, memorial
 from, 291, 291 II.
, Lt.-Governor's speech to,
 291, 291 IV (a).
, reply to, 291 IV (b).
, vote of, 455 I, III, IV-VIII.
, Council and House of Repre-
 sentatives, 28.
, Council, Judges, Justices, inhabi-
 tants of, address from, 394.
, Councillors. *See* Wentworth.
 Benning; Waldron. Richard;
 Reynolds, Anthony; Gambling,
 Benjamin; Atkinson, Theodore;
 Peirce, Joshua; Westbrook, Col.;
 Frost, Capt.; Wiggan, Andrew;
 Gilman, John; Peirce, Jos., senr.,
 Jaffrey, Geo.; Walton, Shadrach;
, Judges, Justices, Sheriffs,
etc., address from, 459, 459 I.
, list of, 29.
, Court, Vice-Admiralty, held with-
 out Commission being proclaimed,
 410 v.

NEW HAMPSHIRE—*contd.*

- Court, Vice-Admiralty—*contd.*
 held by officers from Boston. 410.
 Judge for, proposed instead of Deputy. 301.
 proceedings, account of. 480, 481.
 Courts in, holding of, address concerning. 499, 500.
 lack of officers for. 499.
 suspension of, 291 p. 175.
 Customs, Collector of. *See* Wybird (Wibird) Richard.
 Deputy Collector of. 410.
 seizure of vessels by. 410.
 Falmouth, 21.
 Fort William and Mary, condition of, 126 II (*xiii*).
 Colonel Dunbar refused admission to, 373 I, II, 377 IV, VI, VIII, XI, 455, 455 IX, 467, 469.
 disapproval of. 499.
 report and survey of, 28, 28 I, II, 29 II.
 stores of war for. 529 p. 360.
 Government of, expense of, 126 II (*xix*, *xx*).
 separate from Mass. Bay, arguments in favour of. 291 II p. 176.
 arguments against. 394.
 desired, 377 IV.
 memorial concerning, 291 II.
 petition against. 394.
 Governor of, instructions to. 13, 16, 49.
 residence in Mass. Bay. 320.
 salary of, 126 II (*xx*).
 voted, 291 II; *and see* Belcher.
 separate, for, advantages of, 291 II.
 House of Representatives, resolution of, concerning currency, 299, 299 I.
 Indians. 126 II (*xiv*), 377 VIII.
 peace with, 126 II (*xi*).
 inhabitants of, 126 II (*x*).
 address from. 499.
 commendation of, 12 p. 6.
 increase of, 126 II (*xi*).
 iron, 528 p. 360.
 Justices of the Peace, scarcity of, 291 p. 175.
 Lieut.-Governor of. *See* Wentworth, John; Dunbar, David; Sherburn, Col.; Vaughan.

NEW HAMPSHIRE—*contd.*

- Lieut.-Governor of—*contd.*
 persons recommended for, 12.
 powers of, in absence of Governor at Boston, 288, 291 p. 174; *and see* Dunbar.
 to sit in Council, 462, 499.
 salary of, 12.
 Magistrates and Justices, need for, 291 p. 176, 291 II, 374.
 mast trees, seized by Deputy Surveyor, Mr. Waldron's opposition to, 291 p. 177.
 Militia, 126 II (*xii*).
 mines in, 126 II (*ix*).
 Newcastle, 126 II (*xiii*); *and see* Newcastle, Pa.
 oaths, administration of, warrant for, 377 I.
 Officers, civil and military, Commissions for, 126 II (*xx*).
 salaries of, 126 II (*xx*).
 passes for vessels, dispute concerning, 397, 397 I.
 Governor Belcher's action concerning, 410.
 Portsmouth, Court House for, 28.
 Courts removed from, 291 p. 175, 375.
 Col. Dunbar's commission published in, 291.
 English Church for, minister of, 291 p. 177, *and see* Shurtaff.
 Vice-Admiralty Court at, proceedings of, 49 p. 38.
 poverty of, 459 I.
 powder duty, account of, 455 IV.
 produce of, 126 II (*viii*).
 Revenue of, 126 II (*xviii*).
 seal for, impression of, 377 VII.
 separation from Mass. Bay, objection to, 459 I.
 shipping, 126 II (*iv*).
 situation of, 126 II.
 trade of, 126 II.
 with Caribbean Islands, 126 II.
 illegal measures to prevent, 126 II (*vii*).
 with Portugal, 126 II (*vi*).
 with Spain, 126 II (*vi*).
 vessels, clearance of, 377 VIII.
 white pine trees, cutting of, 49.
 H.M. woods in, convenience in hearing cases concerning, in the province, 301.
 proclamation concerning, 6.
 *New Hampshire*, ship, 21.

NEW JERSEY. *Act for appropriating part of the interest money paid into the Treasury by virtue of a law to the incidental charges of this Government etc.* (1728), disallowance of, urged, 298.

....., repeal of clause urged, 298.

....., *Act concerning the acknowledging and registering deeds and conveyances*, repeal of, 511.

....., *Act for creating £20,000 more in paper bills*, objection to, 314.

....., *Act for creating £40,000 in paper currency*, to lie by, 314.

....., proposed, 299, 299 i.

....., suspending application for leave for, 299 ii.

....., *Act to enable the inhabitants to support their Governour discharge their engagements in the loan office etc.* (for emitting a paper currency), need for, 417.

....., report upon, requested, 170.

....., *Act for the frequent meeting and calling of the General Assembly, etc.*, repeal of, 513.

....., *Act imposing a duty on persons convicted of heinous crimes and to prevent poor impotent persons being imported etc.*, opinion upon, 553.

....., *Act concerning money bills*, report required, 541.

....., *Act to repeal an Act for appropriating a part of the interest money paid into the Treasury etc.*, disallowance recommended, 314.

....., *Act for securing the freedom of Assemblies etc.*, report upon, requested, 170.

....., *Act for shortening of law suits etc.*, repeal of, 512.

....., Acts (13) of, approved, 553.

....., referred, 240, 246, 417.

....., Agent for. *See* Partridge, Richard.

....., Assembly of, question of separate Government for, 310, 310 i.

....., refusal to assist in sinking of bills, 314.

....., coins, currency. paper, sinking of bills, 314, 417.

....., sinking fund, 298.

....., Council of, address from, 310, 310 i, 411 i.

....., difficulties in attending, 310 p. 194.

....., President of, *see* Morris, Lewis.

NEW JERSEY—*contd.*

....., Councillors. *See* Morris, Lewis; Anderson, John; Hamilton, John; Parker, John; Johnston, John, junr.; Bard, Peter; Smith, Ja.; Hugg, John; Rodman, John.

....., Courts in, delays attendant on Governor's absence, 310 i p. 194.

....., lack of officers for, 310 i p. 194.

....., felons, importation of, 553.

....., Government of, history of, 310 i p. 193.

....., separate, 310.

....., address in favour of, 310 i.

....., reasons for, 310 i pp. 193, 194.

....., support of, 299, 299 i.

....., Governor of. *See* Montgomery; Burnet; Cornbury, Lord.

....., Instructions to, 114.

....., additional, 540 ii.

....., residence in New York, inconvenience of, 310 i pp. 193, 194.

....., salary of, difficulty in raising, 310 i p. 195.

....., separate, for, 411.

....., Governor and Council, causes heard before, delayed by Governor's absence in New York, 310 i pp. 194, 195.

....., writs of error, 310 i p. 195.

....., hemp and flax in, enquiry concerning, 87.

....., planting of, 114.

....., Indians, Delaware, 89 ii p. 66.

....., negroes, imported, no duty on, 464.

....., officers for, need of, 310.

....., products of, 463 i.

....., Proprietors of, surrender by, 310 i p. 193.

....., seal of, lost at sea, 228.

....., instructions for new one, 233.

....., new, 327.

....., warrant for, 517, 558 i.

....., Secretary of. *See* Smith, James.

....., sugar, rum, molasses imported from, account of, 63, 65.

....., sugar trade, representation upon, 561.

....., woollen, linen, cotton manufacture, account of, 114.

....., enquiry concerning, 87.

Newman, Richard, Newfoundland, 422 ii (y).

- New Providence. *See* Bahamas, New Providence.
- NEW YORK, *Act continuing an Act to farm the excise of strong liquors*, passed, 464.
- *Act continuing an act for regulating the Militia etc.* passed, 464.
- *Act to explain part of an Act to repeal some parts of an Act and continue others etc.* reasons for passing, 464.
- *Act for farming the excise*, expiration of, 408.
- *Act for fortifying the city of Albany* passed, 464.
- *Act to empower Samuel Baker and others to employ proper persons for the service of this Colony etc.* reasons for passing, 464 p. 313.
- *Act concerning the levying of fines in England. to cut off an entail in New York (see Feb. 24th)*, opinion upon, 458.
- *Act. Militia*, expiration of, 408.
- *Act to prevent damages by swine etc.*, passed, 464.
- *Act to prevent selling or giving rum or other strong liquors to the Indians*, copy required, 141.
- *Act (1730) to prevent the taking or levying on specialties more than the principal, interest and cost of suit, and other purposes therein mentioned etc.* disallowance proposed, 201.
- objection to, 181 i. 201.
- opinion upon, 201.
- petition for repeal of, 197.
- repeal of, urged, 181, 360.
- representation upon, 201.
- *Act to provide able pilots between Sandy Hook and the Port of New York*, passed, 464.
- *Act to release Andrew Jr. upon surrendering his estate*, passed, 464.
- *Act to support the troops at Oswego and to regulate the Indian fur trade*, passed, 464.
- *Act for the support of Oswego trading house*, suspensory clause for, 314.
- Acts of, 463 ii.
- confirmation of, 181.
- referred, 132.
- Agent for. *See* Paris, Ferd. John.
- Albany, Commissioners for Indian Affairs, meeting of, 478, 478 iv.
- minutes of, 478 i, ii.
- conference with Six Indian Nations at, 245, 246.
- NEW YORK, Albany—*contd.*
- duty on furs payable at, 314.
- fort at, building of, 408.
- Assembly of, 408.
- adjournment of, 464.
- French encroachments, representation upon, 478 i, iv.
- journal of, 408, 463 iii, 464.
- representation from, 458.
- Speaker of. *See* Philipse, A.
- support for Oswego garrison, 246.
- unwilling to support Oswego trading house, 314.
- boundary of, 89 ii.
- Commissioner for Indian Affairs, letter from, 221 ii-iv.
- condition of, 134, 135.
- Council, minutes of, 464.
- President of. *See* Van Dam, Rip.
- Councillors. *See* Lane, Henry; Walters, Robert; Van Dam, Rip.
- Court, Supreme, order of, 197 i.
- Crown Point, French encroachments at, 464 p. 313.
- Fort George, stores of war, list of, 464 i.
- need for, 464.
- French, encroachments of, 478, 478 i, ii, iii, iv, v.
- Freshwater Swamp, 135.
- Governor of, 310 i; *and see* Corubury, Lord; Montgomerie, J.; Burnet, W.
- instructions to, 114.
- additional, 540 ii.
- residence in, 310 p. 193.
- hemp and flax in, enquiry concerning, 87.
- planting of, 114.
- proposal concerning, 98 i.
- House of Representatives, journal of, 478.
- Indian Affairs, Commissioners for, 478, 478 i, iii, iv.
- Indians, Five Nations, settlements in, 89 i.
- French intrigues with, 464 p. 314, 478.
- fur trade with, encouragement of, proposed, 98 i.
- Iroquois, 89 ii p. 66.
- River, 89 ii p. 66.
- Senecas. French trading house, objections to, 221.
- Six Nations, conference with Governor, 245, 246.
- trading with. licence for, 314.

NEW YORK—*contd.*

- Independent Companies at, officers appointed, 61.
- inhabitants of, census of, 464 II.
- smallpox outbreak among, 464.
- lands in, grant of, to Sir Joseph Eyles, 139.
-, (the "Equivalent"), grants of, petition concerning, 98 I, 108.
-, settlement of, proposed, 98 I.
-, Manhattan Island, 135.
- merchants of, 211.
-, Naval Office, returns of vessels entering and clearing at, 585.
-, naval officer. *See* Lindesay, John.
-, naval stores (pitch, tar), proposal concerning, 98 I.
-, negroes, duty on, 464.
-, Oswego Fort, maintenance of, 211.
-, correspondence concerning, 211, 219.
-, garrison, support of, instructions for, 246.
-, trade of, French designs upon, 478 III.
-, methods to prevent, 478 IV.
-, trading station at, provision for, 464 p. 313.
-, support for, 313, 404.
-, Assembly unwilling to vote, 314.
-, peaceful condition of, 583, 584.
-, President, Council and Assembly, representation from, 463 I, 565.
-, products of, 463 I.
-, ships cleared at, list of, 463 IV.
-, smallpox in, 408, 581.
-, stores of war, request for, 464.
-, sugar, rum, molasses, 463 I.
-, imported, account of, 65, 65 I.
-, sugar trade, representation upon, 561.
-, "The Swamp," grant of, 359.
-, trade of, 463 I.
-, with Africa, 464.
-, fur, 211.
-, woollen, linen, cotton manufacture, account of, 114.
-, enquiry concerning, 87.
-, from Great Britain, 463 I.
- Niagara, Falls of, 89 II.
-, French at, 478 III.
-, Indians at, 473 III.
- Nicholson, Francis, General, late Governor of Carolina South. 122, 488 p. 343, 488 I.
-, lands between Kennebeck and St. Croix Rivers taken by, from French, 353.
- Nisbett, Thomas, letter to, 483.
- Noden, Ralph, Agent for Lieut.-Governor Pitt, Bermuda, 60.
-, petition of, 142, 182, 507 I.
-, order concerning, 171.
- Norris, Henry, letter to, 483.
- North, George, solicitor. Merchant Taylors' Company, letter from, 346, 347, 376.
- Northern Colonies, the, (Massachusetts Bay, Rhode Island, New Jersey, New York, Connecticut), 561.
-, case of, 561, 561 I, 562.
-, copies of, 541.
-, exports and imports, 561.
-, rum trade, 578 I.
-, ships and goods direct to and from Europe permitted to, 578 I p. 398.
-, state of, representation concerning, 78.
-, Sugar monopoly, effect of, 560, 561, 578 I.
-, sugar trade, 561.
-, with French, effect of, 475.
-, trade of, 386 p. 242, 406 p. 258, 463 I, 473 p. 326, 507, 560, 561.
-, with foreign Sugar Colonies, complaint concerning, 137.
-, with French, 561 p. 385.
-, with Ireland, 137.
-, papers laid before the House of Lords, 159.
- Northey, Sir Ed., Attorney-General, opinion by, 505 I, 524 I, 571 pp. 392-396.
- NOVA SCOTIA, agent of, 91 I.
-, Annapolis Royal, 12 v.
-, river, inhabitants, 493 I.
-, settlements at, instructions concerning, 49.
-, Canso. *See* Canso.
-, Chignecto. (Chickeneetua), 427 p. 288.
-, Chippody, 427 p. 288.
-, Cobaquil, Seigneurity of, 493 I.
-, Council of, 427.
-, minutes of, 493, 493 I.
-, President of. *See* Cosby, Major; Mascarene, Paul.
-, representation from, 427 II.
-, Secretary of. *See* Murrell, Wm.
-, Councillors. *See* Cosby; Adams; Shene, W.; Mascarene, Paul; Shirreff, Wm.; Winnet; Murrell.

NOVA SCOTIA—*contd.*

- Damarecotty River, renamed Walpole River, 217.
- fines, forfeiture in, opinion upon, 427 p. 287.
- fishery of, fish curing, complaint concerning, 113 i.
- Heads of Enquiry concerning, 113 i.
- flax, 217 p. 122.
- Fredericksfort (Pemaquid), 217, 297, 457.
- action taken against, by Massachusetts Bay, 6, 12, 12 i, 16, 301, 301 i, ii, 302, 302 i.
- denial of, 126.
- defence against Indians, 291.
- Colonel Dunbar's settlement at, 6, 299; *and see* Dunbar, David.
- Governor Belcher's interference at, 297, 299, 301.
- hemp and flax, good quality of, 12.
- Massachusetts Bay Committee and Lieut. Governor visit, 301; *and see* Massachusetts Bay.
- potash manufacture at, 12.
- riot at, 13, 16.
- French at, 427.
- French Governor, land granted by, 217 p. 125.
- French Protestants, settlement of, proposed, 12 v.
- George Town, Scarrawink Harbour, 427 i.
- Government of, 427 p. 288.
- Governor of, *See* Philipps; Armstrong.
- instructions of, 13, 16.
- powers to grant lands, confirmed, 109.
- Harrington, new township at, 217.
- plan of, 217.
- river, 217.
- hemp, 217 p. 122.
- Indians, danger from, 291.
- lands of, claim to, 217 p. 124.
- sale of, 217 p. 124.
- lands between Kennebeck and St. Croix Rivers, claimed by, 353.
- sold by, 353 viii.
- lands of, right to dispose of, 217 p. 122.
- title to, 217 p. 122.
- peace ratified with, 353 xi, xii.

NOVA SCOTIA—*contd.*Indians—*contd.*

- presents for, 217 p. 125.
- settlements destroyed by, 353 viii.
- war with, 353, 353 xiii, xiv.
- inhabitants of, French, character of, 427, 493.
- land claimed by, 427 p. 288.
- oath of allegiance taken by, 427 p. 287, 493 i.
- petition from, 493 i.
- Irish in, Papist, 113 i.
- Protestants, 44.
- Kennebeck River, township on E. of, petition for, 353 vi.
- lands in, claimed by Mass. Bay, dispute concerning, 49 pp. 36, 37.
- French claim to, 427 p. 289.
- survey required, 427 p. 287.
- grants of, 427 p. 287, 427 i.
- form for, 427 p. 289.
- instructions for, 152 i.
- petition for, 427 p. 288.
- survey of, 493 i.
- instructions concerning, 44, 49 p. 37.
- lands between St. George's River and Penobscot, claim to, 217 p. 123.
- lands between Kennebeck and Penobscot Rivers, claims to, 49 p. 37.
- title to, 49 p. 37.
- lands between Kennebeck and St. Croix Rivers, claim to, 398.
- by Massachusetts Bay, 466, 499, 500.
- upheld, 353 i.
- Col. Dunbar's settlement on, 353 ii, iv, v.
- petition concerning, 353, 353 ii.
- report upon, 353.
- settlements destroyed by Indians, 353 viii.
- settlers on, petition from, 353 vi.
- title to, 77.
- lands in, for mast trees, 427 p. 287.
- not cultivated, 427 p. 287.
- near Penobscot River, claim to, 353 iii.
- reserved for H.M. Navy, 44.
- settlements by Col. Dunbar, 217.
- H.M. title to, 217 p. 125.

- NOVA SCOTIA—*contd.*
 Lieut.-Governor of. *See* Armstrong, Lawrence.
 Magistrates and Justices of the Peace, appointment of urged, 427 p. 288.
 and Maine, lands between, claim to, by Mass. Bay, 13, 13 i.
 Mines (Minis), grants of lands in, 427 p. 288.
 Muscongus River, 217 p. 121.
 Palatines, settlement of, 44.
 Pemaquid. *See* Pemaquid; Nova Scotia, Fredericksfort.
 population of, difficulties in settling, 49 p. 37.
 potash, 217 p. 122.
 public houses in, number of, 113 i.
 quit rents, 427 p. 288, 427 i.
 arrears of, 217 p. 124.
 regiment, Col. Philipps', at Fredericksfort, 291.
 officers unpaid, 91 i.
 Richmond, fort and garrison at, paid by Mass. Bay, 353 xiii.
 Seal (Great) of, to be used in allotments of land in, 49.
 settlements in, by Col. Dunbar, 427 p. 289.
 instructions for, 44.
 protection for, 217 p. 126.
 Sheepscot (Sheepsgutt), 353 xiv.
 Sheepscot River, 217.
 white pines cut at, warning concerning, 12 iv.
 sugar, rum, molasses, imported from, account of, 63, 65.
 Torrington, 217 p. 121.
 Townshend, new township at, 217.
 townships, new, in, 217.
 description of, 217 p. 121.
 trade of, 113 i.
 Walpole, new township at, 217.
 River, 217.
 Westmorland, new township at, 217 p. 121.
 H.M. Woods in, for the Navy, 44, 49, 217 p. 121.
 destruction of, 217 p. 121.
 instructions concerning, 176, 176 i, ii.
 proclamation concerning, 12 iv.
 Surveyor of. *See* Dunbar, David.
 powers to grant lands, confirmed, 109.
 Nusum, Thomas, deposition of, 55 ii.
- O.
 Oakley, Edmund, draft of design of Fort Nassau by, 212.
 Obra Chief, Jamaica, 25 iii.
 Ochs, John, letter from, 399, 453, 496.
 petition of, 112, 130, 140, 342 i, 471.
 proposal to settle Swiss and German Protestants in Virginia, 399.
 Oacock Island, Car. N., port on, 404.
 Ogle, George, surety for Lt.-Gov. Ogle, 371.
 John, Dublin, security for Lt.-Gov. Ogle, 303.
 Samuel, Lt.-Governor of Maryland, appointment of, 266.
 bond of, draft of, 371.
 approved, 341.
 transferred to, 330.
 instructions for, 451, 454.
 security for, 266, 303, 371, 407.
 Oglethorpe, James, founder of Georgia, South Carolina, scheme for establishing a Charitable Colony, petition for, 7, 7 i, 547.
 report upon, 7, 7 i.
 alteration in, 7, 7 i.
 Ohio River, 89 ii.
 Delaware Indians, French intrigues with, 478 v.
 Oliver, Robert, lands of, sale of, 329.
 Ontario, Lake, French fort on, 89 ii.
 Ordnance, Board of, estimate for stores of war for Antigua, 574, 574 i.
 old cannon sent back to, 569, 570.
 stores of war for Virginia, request for, 290 p. 169.
 Osborn, Henry, Captain, R.N., Governor of Newfoundland, 332, 333, 422.
 commission by, 110 ii.
 commission of, 10.
 copy of, 110 i.
 Commission and Instructions for, 155 i.
 powers under, query concerning, 9, 10.
 Instructions to, 422 i.
 letter from, 319, 331.
 memorial to, 8.
 order signed by, 422 ii (y).
 petition to, 319 ii, 331, 331 i.

Osborn, Henry—*contd.*

-, prison for St. John, levy for building of, by, 422 *II* (m) p. 279, (n).
-, proclamation by, 319 *I*, 331 *II*.
-, queries by, 9, 10.
-, resignation of, 319, 331.
- Oswego. *See* under New York.
- Ouisconsing River, 89 *II* p. 65.
- Overing, J., Attorney General, Massachusetts Bay, opinion by, 73 *I*.
- Oxenford, John, Secretary to Customs Inland Revenue, letter from, 65.
-, letter to, 63.

P.

- Packer, Thomas. N.H., deposition of, 291 *I*, 302 *I*.
-, document signed by, 291 *II*.
- Page, Mann, Colonel, Councillor, Virginia, 52, 177, 186, 199, 235, 237, 567 p. 389.
- Palatines. *See* under each colony.
- Palin, John, Chief Justice, Carolina North, appointment of, 404.
- Panama, 147.
- Paris, Ferd. John, Agent for New York, 181, 242.
-, letter from, 197, 560.
-, letter to, 241.
- Parker, John, Councillor, New Jersey, document signed by, 310 *I*, p. 195.
- Parliament, House of, petition to, concerning acts in Plantations affecting British trade and shipping, 290 p. 171.
-, opposition to, 290 pp. 171, 173.
- Partridge, —, Agent for Governor Belcher, 461.
- Partridge, Richard, Agent for New Jersey, document signed by, 38.
-, letter from, 170, 411, 417, 459, 541.
-, letter to, 497.
-, Agent of Rhode Is. and Providence Plantations, petition from, 563.
- Pate, Maurice, Boston, deposition of, 484 *I*.
- Peace, Treaty of (1686), 386 p. 343.
- Pearl, H.M.S., *Catherine* effects seized by, 69, 69 *I*.
- Pearse, James, H.M. Remembrancer, certificate signed by, 407.
- Peers, —, Speaker of Assembly, Barbados, 19.

- Peirce, Josh., senr., New Hampshire, document signed by, 291 *II*.
-, recommended for Council, 291 p. 178.
-, Josha., N.H., document signed by, 291 *II*.
-, proposed for Council, 499.
- Pelham, Holles, Duke of Newcastle, Secretary of State, 60, 102, 198, 217.
-, document signed by, 1, 3, 70, 91, 91 *I*, 162, 163, 204, 243, 327, 490.
-, letter from, 66, 69, 91, 127, 160, 161, 179, 210, 224, 292, 342, 343, 372, 412, 427 p. 287, 491, 492, 508, 509, 539, 542.
-, letter to, 6, 11, 14, 16, 18, 18 *II*, 19, 20, 25, 28, 29, 45, 50, 55, 57, 61, 66 *I*, *II*, 69 *I*, 72, 77, 79, 81 *I*, 92, 95, 103, 106, 116–118, 136, 146, 149, 155, 157, 158, 166, 168, 177, 182, 193, 195, 202, 218, 221, 230, 231, 236, 238, 245, 297, 300, 302, 304, 309, 310, 315, 316, 319, 321, 324, 332, 334, 335, 356, 380, 387, 408, 411, 415, 421, 426, 429, 430, 433, 438, 446, 455, 461, 463, 475, 479, 484, 485, 486 p. 338, 489, 495, 528, 529, 531, 532, 538, 550, 558, 580, 587.
-, order by, 383A.
- Pemaquid (Fredericksfort), 30 *III*.
-, Colonel Dunbar's settlement of, 77; *and see* Dunbar, David.
-, expedition from Massachusetts Bay, against, 77; *and see* Mass. Bay; Nova Scotia.
-, fort and fortifications at, 6, 6 *I*.
-, building of, 217 p. 123.
-, Lieut.-Governor Tailer inspects, 66 *III*, ix.
-, rebuilt by Massachusetts Bay, 13, 16.
-, Fort William, 28 *IV*.
-, harbour, 28 *IV*, 73 *I*.
-, history of, 353 *VII*.
-, Irish settlers, riot by, 6 *I*.
-, lands at, dispute concerning, 13, 16.
-, plan of town of, 24 *I*, *II*.
-, riot at New Harbour, 6, 6 *I*, 13, 16.
-, settlements at, instructions concerning, 49; *and see* Dunbar, Col.; Nova Scotia; Mass. Bay.
-, sloop seized near, case of, 21.
- Pemberton, —, Boston, 291 p. 176.
- Penhallow, John, Capt., Justice of the Peace, 353 *XII*.
-, wife of, 353 *XII*.

Penhallow—*contd.*

-, Samuel, N.H., 353 viii.
-, deposition of, 353 xii.
- Penn, William, 89 I (xiv).
-, settlement by, 89 I.
- PENNSYLVANIA, *Act for the establishing of Courts of Judicature*, consideration of, 241, 242.
-, petition against, 223.
-, referred, 223.
-, repeal of, 361.
-, Acts of. affecting trade and navigation of Great Britain, reply to queries, 477.
-, Assembly of. Governor's salary, 89 I (xix).
-, officers' salaries, 89 I (xix).
-, boundaries of, 89 I.
-, claims concerning, 89 I.
-, by Maryland, 89 I.
-, inclination to extend, 290 p. 169.
-, not fixed, 89 I (ii).
-, with Virginia, 112.
-, a "Bread Colony," 560.
-, Constitution of. description of, 89 I (iii).
-, Court. Admiralty, proceedings against pirates, 479, 479 I.
-, Vice Admiralty, case of Judge Browne, papers concerning. transmitted, 143.
-, Judge of. *See* Browne.
-, Courts of, description of, 89 I (iii).
-, exports of, 89 I (vi).
-, French encroachments in, 478.
-, Germans in, 477.
-, Governor of. *See* Keith. Sir William.
-, instructions to, 114.
-, additional, 540 II.
-, hemp, encouragement of, 477.
-, and flax, enquiry concerning, 87.
-, planting of, 114.
-, Indians in, decrease of, 89 I (xiv).
-, Delaware, 89 II p. 66.
-, French intrigues with, 478.
-, trade with, 89 I (viii).
-, inhabitants of, increase of, from Germany, 89 I (xi).
-, from Great Britain, 89 I (xi).
-, from Ireland, 89 I (xi).
-, number of, 89 I (x).
-, Irish in, 477.
-, iron, 89 I (viii), (ix).
-, Lieutenant-Governor of. *See* Gordon, P.

PENNSYLVANIA—*contd.*

-, manufactures of, 477.
-, Militia, not required in, 89 I (xii, xiii, xx).
-, Naval Officer at. *See* Charles, Robert.
-, pirates, 479, 479 I-IV.
-, ports of, 89 I (iv).
-, produce of, 89 I (viii), 463 I. 477, 560.
-, Proprietors of, agent claims lands beyond Rappahannock and Potomac Rivers, 290 p. 169.
-, deputation from, 205.
-, Receiver-General. *See* Byng, Robt.
-, deputy. *See* Evans.
-, registrar of. *See* Baird.
-, copy of fees of office refused by, 465.
-, Revenue of, 89 I (xviii).
-, rum, molasses, sugar, 89 I (vi).
-, imported from, account of, 63, 65 I.
-, salt, from Portugal 89 I (vi).
-, from Spain, 89 I (vi).
-, settlers in, 399.
-, shipbuilding, 477.
-, shipping, clearances from, 89 I (iv).
-, increase of, 89 I (iv).
-, silk manufacture, 89 I (viii), 477.
-, and Sugar Colonies, 560.
-, Three Lower Counties. boundaries of, 89 I.
-, trade of, 89 I (v), 477, 560.
-, with Dutch, 89 I (vi).
-, with Europe, 89 I (vi).
-, with Great Britain, 89 I (v), (vii), 560.
-, with Ireland, 89 I (vi).
-, with Lisbon, 89 I (vi) (viii).
-, with Madeira, 89 I (vi) (viii).
-, with the Straits, 89 I (vi).
-, with West Indies, 89 I (vi), (viii).
-, woollen, linen, cotton manufacture. account of, 114.
-, enquiry concerning, 87.
-, from Great Britain, 560.
- Penny Post Paid, 219.
- Penobscot, 217 p. 123; *and see* under Nova Scotia; Mass. Bay.; Dunbar, Colonel.
-, lands in, settlements on, 49.
- Pepperrell, Wm., jr., Justice of the Peace, York County. order by, 301 II (a).
-, reply to, 301 II (b).
-, order to, 301 I.

- Percival, Lord, petition of, 7, 7 i, 15, 547.
 settlement by, queries concerning, 547; *and see* Oglethorpe, scheme for establishing charitable Colony in Car. S.
- Perisippi River, 89 ii.
- Perrie, Jonathan, petition of, 98 i.
- Perry, —, Alderman, Jamaica, letter to, 434 iii.
 Micajah, document signed by, 367 i, 434.
 letter from, 117.
 letter to, 401.
- Peter, King of Mosquito Indians, 486 ii.
 Commission sent to, 486 p. 338.
- Peters, Thomas, Captain, Commander of Country party against negroes Jamaica, 147, 486.
 commendation of, 550 iv.
 letter from, 550, 550 vi.
 wounded, 550 iv.
- Phenney, George, late Governor of the Bahamas, addresses to, 222.
 administration of, defence of, 222.
 appointment as Councillor of South Carolina and Virginia, 543.
 appointment as Surveyor General of Customs for Southern America, 526.
 bond of, 214.
 to be cancelled, 358.
 Commission as Surveyor-General, 419.
 Fort Nassau repaired and enlarged by, 191 i, ii, 212.
 petition of, 191 i, 222, 526, 543.
 residence in Virginia, 526.
 sloop fitted out by, 222.
 sloops belonging to, loss of, 213.
- Philadelphia, Collector and Comptroller at, 89 i (vii).
 Naval officer at, 89 i (vii).
 shipping from, 89 i (iv).
- Philipps, R., Governor of Nova Scotia, 12 v, 24 v.
 appointments made by, 427.
 correspondence with Col. Dunbar, 49.
 forms for grants of land used by, 427, 427 i.
 instructions for, 44, 49, 91, 91 i.
 additional, 152 i, 176, 176 i, 540 ii.
 letter from, 324.
- Philipps, R.—*contd.*
 proclamation by, 427 p. 288.
 recall of, 91, 91 i, 324.
 regiment of, 353 x.
 detachment at Fredericksfort, 217 p. 126, 291.
 salary of, 82.
- Philipse, Ad., Speaker of Assembly, New York, document signed by, 463 i.
- Phipps, —, Colonel, Lieut. Governor of the Virgin Islands, 445 i.
- Phipps, Spencer, Col., son of Sir William, recommended as Lieut. Governor, New England, 587.
- Phipps, Sir William, son of, 587.
- Pickenden, Thomas, Commander of *New Hampshire*, deposition of, 21.
- Pinder, William, Bahamas, bond of, 214.
- Pinfold, Dr., title deeds signed by, 217 p. 125.
- Pintado, Manuel Lopez, General of Spanish galleons, letter from, 25, 25 vi.
- Pirates. *See* Tynes; Shelito.
 captures by, restitution for, proclamation concerning, 57.
 in Pennsylvania, 479, 479 i–iv; *and see* under each Colony.
- Piscataqua River, 126 ii (xiii), 217 p. 123.
 mast trees from, 12.
 seized at, 377 p. 233.
 saw mills at, 12 p. 6.
- Pitt, John, Lieutenant Governor of Bermuda, agent of, *see* Noden, Ralph.
 instructions of, 33, 34.
 additional, 533 i, 540 ii.
 letter from, 33, 34, 35, 304, 307, 472.
 queries to, 307.
 reply to, 307 i.
 salary of, 34.
 additional, in lieu of whale licences, 472, 533 i.
 instructions concerning, 573, 579.
 request for, 472.
 reduced by order concerning whales, 142 i.
- Placentia. *See* Newfoundland, Placentia.
- PLANTATIONS, the, Act making void all laws passed laying duties affecting British trade and shipping, petition from British merchants for, 290 p. 171.
 opposition to, 290 pp. 171, 173.

PLANTATIONS, the—*contd.*

- Acts affecting trade and navigation of Great Britain, 458, 487.
- in South Carolina, 488.
- enquiry into, 402.
- in Massachusetts Bay and New Hampshire, 528 p. 360.
- Charter for establishing Colonies in, draft of, 547.
- queries concerning, 547.
- Civil actions in, method of summons, 548.
- Convicts and felons imported, instructions concerning, 536, 540.
- Customs, Surveyor-General in Southern part. *See* Quarry, Colonel; Fitzwilliam. —, ; Phenney, George.
- debts in, method of collecting, 473, 473 (*ii*).
- prejudicial to Great Britain, 401.
- recovery of, 401.
- petition concerning, 367 *i*.
- Governors of, circular letter to, 64, 225.
- instructions to, 473 p. 322, 506.
- concerning duties on negroes and imported felons, 536, 540.
- concerning Indians, 89 *ii* p. 67.
- additional, 451, 520 *ii*, 540 *ii*.
- order concerning whales, 142 *i*.
- salaries of, difficulty in settling, 556 p. 382; *and see* under separate Colonies.
- in Barbados, 556 p. 382.
- in Massachusetts Bay. *See* Belcher.
- not to be dependent on Assemblies; *see* Mass. Bay.
- payment to representative in absence of, 467.
- case of Governor Belcher and Colonel Dunbar, 467, 469.
- lands in, products of, 473 p. 325.
- laws of, state of, required, 224 *ii*, 225.
- Lieutenant Governors of, list of, 590.
- manufactures in, bill discouraging, 321 *i*.
- state of, required, 224 *ii*,

PLANTATIONS, the—*contd.*

- navigation of, state of, required, 224 *ii*, 225.
- negroes and slaves, duty on, instructions concerning, 536, 540.
- regulation of, 383.
- rum, sugar, molasses from, 406 p. 259.
- French and Dutch competition, effect of, 414.
- manufacture of, 386 p. 242.
- slaves in, convicted, benefit of clergy for, 309.
- state of, request for, by House of Commons, 224 *ii*, 225.
- Sugar Colonies, Governors of, instructions to, 561 p. 385.
- Sugar trade in, 386 p. 242-3, 473 p. 325, 494, pp. 348-9.
- trade of, acts affecting Great Britain, 441.
- affected by new Sugar regulations, 406 p. 258, 473 p. 325.
- affecting Trade and Navigation of Great Britain, state of, required, 509.
- illegal, 473 pp. 325, 326.
- state of, required, 224 *ii*, 225.
- with Sweden, 483.
- Trade and Navigation laws in, effect on British trade, in Connecticut, 470.
- wine and spirits, manufacture of, 406 p. 260.
- Plaxton, George, Treasurer, Barbados, document signed by, 17 *i*.
- Plymouth*, H.M.S., 27.
- Pole, Chas., London, deposition of, 440 *i*.
- Political State of Great Britain*, effect of, in Mass. Bay, 126.
- extract from, 126 *i*.
- Popple, Alured, Secretary of Council of Trade and Plantations, letter from, 10, 31, 41, 49, 56, 63, 64, 74, 93, 111, 113, 115, 121, 128, 132, 133, 138, 148, 150, 172, 185, 203, 207, 209, 211, 225, 227, 229, 240-242, 295, 310, 311, 313, 317, 318, 329, 330, 395, 416, 427 p. 287, 441, 447, 470, 471, 476, 480-483, 497-502, 522, 523, 524, 525, 530, 566.
- letter to, 12, 22, 24, 27, 33, 39, 40, 42, 43, 58, 68, 71, 85, 88, 99, 119, 122, 123, 151, 180, 184, 215, 216, 217, 219, 223, 291, 299, 301, 308, 312, 326, 331, 346, 362, 368, 374, 376, 405, 410, 422, 423, 427, 450, 456, 458, 459, 465, 466, 487, 521, 535, 541, 551, 578, 582-584,

Popple, Alured—*contd.*

....., packets for, receipts for, 410 III.

....., petition of, 192 I, 206.

Porter, Edmund, Judge of Admiralty Court, Car. N., character of, 404.

....., charges against, 404.

....., opinion of, 404 I.

Portland, Duke of. *See* Bentinck, William Henry.

Porto Bello, Fair at, 147.

Porto Rico, English Factor at, 35.

....., Governor of, recalled, 338.

....., Spanish galleons at, 433 p. 292.

....., Spanish ship from, at Bermuda, 534.

....., trade with, 386 p. 244.

Port Royal. *See* Jamaica, Port Royal.

....., expedition against (1710), 353 x.

Portsmouth, N.H. *See* New Hampshire, Portsmouth.

Portugal, H.M. Consuls in, complaint from, 113 I.

....., islands in West Indies, trade with, 375.

....., ships of, seized and sunk, case of, 479, 479 I-IV.

....., trade of, 528 p. 360.

....., with South Carolina, 555.

Potomac River, lands beyond, claimed by Pennsylvania, 290 p. 169.

....., Crown right to, 290 p. 169.

....., Lords Proprietors of, 496.

Powel, John, Mass. Bay, 528 p. 360.

Pratter, Edward, factor for South Sea Company, 25 v.

Prince William, cargo of, 147.

PRIVY COUNCIL, THE, Clerk of. *See* Stanyan, Temple; Vernon, J.

....., Committee for hearing appeals, complaints, etc., from the Plantations, 22.

....., letter to, 15, 108, 152, 154, 171, 206, 222, 350, 468, 519, 520, 533, 534, 552, 556, 568.

....., jurisdiction of, 82.

....., meeting of, 326.

....., minutes of, 210, 338, 370.

....., order by, 7, 84, 98, 109, 139, 142, 143, 144, 145, 188-192, 322, 345, 460, 503-507, 544, 547, 559.

....., salary of Governor of Massachusetts Bay, consideration of, 335.

Protheroe, Captain, 12.

Providence. *See* Bahamas, New Providence.

Puan, Lake des, 89 II.

Puan, River, 89 II.

Pury (Pury) Jean Pierre, grant of land to, 519 I.

....., settlement of Swiss in Carolina South by, 488 p. 342.

Q.

Quarry, Captain, 25 III.

Quary, Colonel, late Surveyor General of Customs, Southern District, 543.

Quiney, John, Speaker of Assembly, Massachusetts Bay, document signed by, 244.

R.

Randolph, Isham, Capt., Virginia, sent to England, 473 p. 325.

....., William, Councillor, Virginia, document signed by, 473.

Rappahannock River, cannon taken out of, 290 p. 169.

....., lands beyond, claimed by Pennsylvania, 290 p. 169.

....., Crown right to, 290 p. 169.

Reddish, Captain, R.N., 202.

Reynolds (Reignolds), Anthony, New Hampshire, proposed for Council, 499.

....., recommended for Council, 462.

....., Charles, Provost Marshall, Barbados, complaint against, 19, 19 II.

....., letter from, 19 I.

....., Thos. Provost Marshall, Barbados, complaint against, 19, 19 II.

....., letter from, 19 I.

RHODE ISLAND AND PROVIDENCE PLANTATION, 55 II.

....., Act for emitting bills of credit, etc., petition against, 402, 402 I, 539 I, II, pp. 365-7.

....., Act for emitting £60,000 upon land security, 402, 402 I, II.

....., additional act to, 402 III.

....., Governor's assent refused, 402, 402 I, III.

....., last clause of, 402 I.

....., memorial concerning, 402 I.

....., Acts, passed, queries concerning, 539 I.

....., to be transmitted, 455.

....., Agent for. *See* Partridge, Richard.

RHODE ISLAND AND PROVIDENCE
PLANTATION—*contd.*

-, Assembly of, bills of credit, 402 I, 539 I, II.
-, memorial to, 402 I, 563.
-, vindication of, 563.
-, Bills of credit, 402, 402 I.
-, boundaries of, 474.
-, Charter of, 474, 539 I.
-, civil establishments of, 474.
-, climate and soil of, 474.
-, coins, currency, bills of credit, petition concerning, 402 I, 539 I, II.
-, Council, dispute with members of, 539 I.
-, Deputy-Governor of. *See* Wanton, John.
-, election of officers in, 474.
-, exports, 474.
-, fort, stores of war for, 474.
-, Governor of. *See* Jencks (Jenks), Joseph.
-, instructions to, 114.
-, packets for, 458.
-, and Assembly of, reply to queries, 474.
-, and Company of, instructions, additional, for, 540 II.
-, hemp and flax in, enquiry concerning, 87.
-, planting of, 114.
-, Indians, 474.
-, inhabitants, 474.
-, grievances of, 402 I, 539 I, II.
-, petition from, 402, 402 I, 539 II, 563.
-, land in, claimed by Massachusetts Bay, 474.
-, Militia, 474.
-, Newport, 474.
-, produce, 474.
-, revenue of, 474.
-, Royal Prerogative infringed by Act, 402 II.
-, shipping, 406 p. 261, 474.
-, situation of, 474.
-, sugar trade, representation upon, 561.
-, trade of, 474.
-, with Boston, 474.
-, with French, 414.
-, with Eustatia, 474.
-, with St. Thomas's, 474.
-, with Surinam, 474.
-, with Europe, 474.
-, trade, illegal, 494.
-, non-existent in, 474.
-, woollen, lincn, cotton manufacture, account of, 114.
-, enquiry concerning, 87.

- Rice. *See* under separate Colonies; Carolina, South.
- Richardson, John, Councillor and President of Council, Nevis, death of, 535.
-, place in Council, 530.
- Richmond, Mass. Bay, Indians at, 28 IV.
- Rindge, Jno., N.H., document signed by, 291 II.
- Rippons, —, Jamaica, 25 III.
- Robinson, John, Councillor, Virginia, document signed by, 473.
- Rodman, Dr. John, Councillor, New Jersey, recommended for Council, 245, 246.
- Rogers, Woodes, Captain, Governor of the Bahamas, 60 I.
-, absence of, 123.
-, barracks built and repaired by, 438, 439.
-, case of John Colebrooke, 588.
-, charges against John Colebrooke, 369.
-, factions against, in Council and Assembly, 46, 47 p. 34.
-, fortifications built by, 339.
-, health of, visit to South Carolina on account of, 47.
-, illness of, 123.
-, instructions of, 47, 358.
-, additional, 47, 540 II.
-, letter from, 47, 55, 123, 231, 232, 339, 436, 437, 438, 439.
-, praise of, 46.
-, proclamation by, 47.
-, queries to, reply to, 339, 437, 439.
- Rogers, Whetstone, son of Woodes Rogers, partnership with John Colebrooke, 588.
-, return to England, 436, 437, 438.
- Rollos, John, engraver, warrant to, 327.
- Roths, Lord, regiment of, 352.
- Rowe, —, an English Papist, Bay of Bulls, complaint against, 422.
- Rowe, George, Newfoundland, case of Mr. Julian's servant, 422 IV (c)—(g).
-, letter from, 422 IV (c), (e).
-, letter to, 422 IV (d).
- Rum, manufacture of, 561 p. 386, 578 I; *and see* under Sugar Colonies; France and the French; Northern Colonies.
- Rum, sugar, molasses, 578; *and see* under separate Colonies; France and the French; Holland and the Dutch; Northern Colonies; Sugar Colonies.

Rushout, Sir John, Clerk of Committee of House of Commons, document signed by, 75, 78.

Rutgers, Anthony, N.Y., grant of "The Swamp" to, 220, 359.

....., petition of, 37, 37 i, 134.

Rymer, —, *Fœdera*, 389 ii.

Ryswick, Treaty of, 89 ii.

S.

St. Antonio (*Sea Nymph* renamed), 55 ii.

ST. CHRISTOPHER. (St. Kitts) *and see* Leeward Islands.

....., Act (1719) for the general quiet of the inhabitants in their estates and possessions, and for avoiding vexatious suits at law, clause in. opinion upon, 571 pp. 393, 394.

....., confirmation of, recommended, 571 p. 395.

....., opposition to, 571 p. 394.

....., referred, 524.

....., report upon, 571 pp. 393-5.

....., Act for settling the estates and titles of the inhabitants (1712), clause dealing with Irish in, 571 p. 392.

....., opinion upon, 505 i.

....., opposition to, 571 p. 394.

....., petition against, 505 i, 523.

....., referred, 524.

....., report upon, 571 p. 392.

....., Act relating to titles to land in, (1718), 505 i.

....., Agent for. *See* Beake, Thomas.

....., Assembly of, 560.

....., address from, 188 i.

....., journal of, 59.

....., Secretary's fees, Committee to enquire into, 188 i.

....., Brimstone Hill, cannon for, 554.

....., stores of war for, 569.

....., Chief Justice of, dispute with Wavell Smith, 188 i.

....., Council of, minutes of, 59.

....., President of. *See* Estridge, J.

....., to act as head of Government of Leeward Islands in absence of higher officers, 226.

....., Wavell Smith refuses to attend, 188 i.

....., removal of urged, 442.

....., Council and Assembly, meeting at Sandy Point, 445 ii.

....., Councillors. *See* Estridge, Jos.; Smith, Wavell.

....., Court, Chancery, fees in, 188 i.

ST. CHRISTOPHER. (St. Kitts)—*contd.*

....., Courts, of King's Bench, and Common Pleas, fees in, 188 i.

....., officers' fees, enquiry into, 188 i.

....., danger from French, feared, 569.

....., defenceless state of, 554, 569, 570.

....., discovery and planting of, 226.

....., Fort Londonderry, stores of war (cannon) for, 554, 569.

....., forts, fortifications of, condition of, 554.

....., magazine blown up, 554, 569.

....., repair of, 569.

....., stores of war for, 569, 570.

....., French in, 571 p. 394.

....., war with, effect of, 571, pp. 394-5.

....., French Fig Tree Fort, stores of war (cannon) for, 554, 569.

....., history of, 571 pp. 394-5.

....., Irish in, disloyalty of, clause in act dealing with, 571 p. 392.

....., lands in, claim to, 505 i.

....., French, 505 i.

....., grants of, 571.

....., President, Council and Assembly of, address from, 414.

....., Sandy Point, 445 ii.

....., Secretary of. *See* Smith, Wavell.

....., fees of, 188 i.

....., stores of war for, 554, 569, 570.

....., sugar duties, 560, 561.

....., sugar trade, danger of French increase in, 414.

....., representation upon, 561.

....., trade of, 560, 561.

....., troops and militia sent to Spanish Town, 445, 445 i, ii.

St. Claire Lake, 89 ii.

St. Croix River, settlements on, 49; *and see* Dunbar, Col.; Nova Scotia; Mass. Bay.

St. Domingo, Governor of, recalled, 338.

St. Eustatia, trade with Pennsylvania, 89 i (vi).

St. George's River, 28 iv, 217; *and see* under Nova Scotia.

St. John, James, Surveyor of lands, and Inspector of Quit Rents in N. and S. Carolina, appointment of, 96, 488 p. 343.

St. John's River, N.S., 217.

St. Lawrence Gulf and Sagadahock River, lands between, claim to, 13 i.

....., settlement by Col. Dunbar at, 586.

St. Lawrence River, 89 ii p. 65.

St. Louis, Canada, 89 ii.

....., falls of, 89 ii.

- Sta. Lucia, the Carnache, port, 106.
 English carpenter builds ship at, 400.
 English and French families on, 446.
 English vessel seized at, 193, 193 i.
 French designs upon, 446.
 French settlements on, new, 494 p. 349.
 papers relating to, 429, 429 i-iv.
 settlers for, 386 p. 243.
 trade, illegal, of, 473 p. 325.
 vessel built at, by Barbados merchants, question of registering, 400, 405, 405 i.
- St. Thomas's, trade with Rhode Island, 474.
- St. Vincent, English and French families on, 446.
 French designs upon, 446.
 papers relating to, 429, 429 i-iv.
 settlers for, 386 p. 243.
- Saba, 473 p. 325.
- Saco River, timber at, destruction of, 12 vii, viii, ix.
- Sagadahock River, and Gulf of St. Lawrence, lands between, claim to, 13 i.
 settlement by Col. Dunbar at, 586.
- Salisbury, H.M.S., 43, 127, 332, 333, 422 ii (l).
 Courts held in, 422 ii (z).
- Salmon, Thomas, Justice of the Peace, Placentia, complaint by, 422 ii (h).
- Saltonstall, Gurdon, late Governor of Connecticut, 203.
- Sandford, Thomas, London, Rhode Island papers sent to, 402, 402 i.
- Savannah River, a boundary of Carolina, 568.
- Sayer, —, Dr., Advocate of High Court of Admiralty, opinion of, 49.
- Scarborough, H.M.S., 57, 59.
- Scrope, J., Secretary to the Treasury, 341.
 letter from, 216, 583.
 letter to, 313, 371, 566.
- Seahorse, H.M.S., 445 i.
- Sea Nymph, capture of, 55 ii.
 Captain and crew seized, 55 ii.
 renamed *St. Antonio*, 55 ii.
- Senex, —, maps by, 89 i.
- Sharpe, John, Agent for Barbados, Jamaica, Leeward Islands, Maryland and New York, 106, 135, 344, 383, 442.
 employed by Northern Colonies, 106.
 letter to, 242, 471, 497, 523.
 papers received from, 563.
- Sharpe, William, Clerk of the Privy Council, document signed by, 167, 169, 173, 234, 235, 237, 454, 460.
 letter from, 39, 223, 335, 502.
- Shea, Timothy, Newfoundland, ease of, 422 iv (c)—(g).
- Shelito, Cradock, pirate, case of, 35.
- Shelton, Richard, certificate by, 306.
 petition and minute of, lost, 306.
- Shene, Will, Councillor, Nova Scotia, document signed by, 427 ii.
- Shepscot Company, the, mast trees seized by, 217 p. 121; and see under Nova Scotia.
- Sherburne, Henry, Colonel, Councillor of New Hampshire, document signed by, 455 x.
 oaths administered by, 373 ii.
 proposed as Lieut.-Governor in place of Colonel Dunbar, 157, 297, 321, 455, 457.
 recommendation of, 6.
 warrant to, 377 i.
- Ships, list of:
Adventure, H.M.S.
Carolina.
Catherine.
Cruizer, H.M.S.
Dumont sloop.
Dursley, H.M.S.
Endeavour sloop, H.M.S.
Enterprise, H.M.S.
Experience.
Friendship.
Genoesa, Spanish man-of-war.
Hannibal, H.M.S.
John Pink.
Joseph.
Larke, H.M.S.
Lime (Lyne), H.M.S.
Mary, snow.
Mayflower.
New Hampshire.
Pearl, H.M.S.
Plymouth, H.M.S.
Prince William.
St. Antonio (formerly *Sea Nymph*).
Salisbury, H.M.S.
Scarborough, H.M.S.
Scipio.
Seahorse, H.M.S.
Sea Nymph (re-named *St. Antonio*).
Society.
Tartar, H.M.S.
Two Brothers.

Ships, list of—*contd.*

- Union*.
Wanton.
Winchelsea, H.M.S.
- Shirley, William, letter from, 531.
, recommendation of, 372, 461, 531.
- Shirreff, Wm., Councillor, Nova Scotia, document signed by, 427 II.
- Shurtaff, William, minister of English Church, Portsmouth, N.H., appointment and ordination of, 291 p. 177.
, maintenance of, 291 pp. 177, 178.
- Shute, Samuel, late Governor of Massachusetts Bay and New Hampshire, 12, 377, 397.
, at Arrowsick Island, 353 XI.
, instructions of, 410.
, salary of, 457.
- Sims, William, Barbados, deposition of, 18 III, 20 II.
- Siresme, Jacques, Jesuit priest to Abnaquis Indians, letter from, 12, 12 II.
- Slade, Arthur, Deputy for Colonel Dunbar, and Surveyor of Woods, Mass. Bay, 217 p. 123.
, case against Foolson, 49.
- Slater, John, West Smithfield, petition of, 129, 129 I.
- Smith, —, Captain, R.N., Commander of H.M.S. *Enterprise*, 25, 27, 51.
- Smith, —, Secretary to South Sea Company, document sent to, 540 I.
- Smith, E., Councillor and late Chief Justice, Carolina N., character of, 404.
, document signed by, 404 I.
- Smith, James, Councillor and Secretary, New Jersey, document signed by, 310 I p. 195.
, health of, 153.
, leave of absence, warrant for, 153.
- Smith, Michael, President of Council, Nevis, appointment of, 535.
, instructions to, 552 I.
, letter from, 445 I.
, letter to, 445 II.
, query concerning, 530.
- Smith, Wavell, Councillor and Clerk of Council, St. Christopher, and Secretary, St. Christopher, case of, 188 I.
, charges against, 188 I.
, dispute with Assembly, 59.
, dispute with Chief Justice, 188 I.

Smith, Wavell—*contd.*

-, suspension of urged, 188 I, 442.
- Smith, William, Capt., Newfoundland, charge against, 422 IV (a).
, Chief Justice of North Carolina, petition from, 559.
, New York, petition concerning, 197.
- Soaper, —, Jamaica, commanding expedition against negroes, 550 III.
- Society* ship, 422 IV (d).
- Solicitor General. *See* Talbot, Charles.
- South Sea Company, duty on slaves, 383.
, factor of. *See* Pratter.
, Secretary of. *See* Smith.
- Southall, Jno., Southwark, letter from, 14.
- Southmayd, A., J.P., St. John's, Newfoundland, document signed by, 422 II (m).
, letter from, 422 IV (g).
, memorial from, 8.
, petition of, 318, 319 II, 331, 331 I.
- Southwark, Ye Faulcon Inn, 14.
- SPAIN AND THE SPANIARDS, agreement with, effect in Jamaica, 300 I.
, Bahamas fortified against, 122 I.
, in Bermuda, 534.
, complaints against from, 35.
, H.M. Consuls, complaint from, 113 I.
, depredations by, order concerning, 47.
, Florida, English vessel seized at, 32.
, correspondence concerning, 32 I—III.
, galleons, fleet of, wreck of, 433 p. 292, 461, 484 I.
, treasure on flag ship, 484 I; *and see* *Genoesa*.
, General of. *See* Pintado, Manuel Lopez.
, Jamaica, guarda costa off, 433.
, rebellious negroes incited by, 25, 25 III, 50.
, sloops taken at, 433 p. 292.
, man-of-war wrecked on Pedro Shools, 328.
, pirates, 35.
, proclamation concerning, 157 II.
, ships seized by, 47.
, *Caroline* sloop, 55 II.
, *Friendship*, 2.
, *Mary* snow, 440.
, *Scipio*, 55 II.
, *Sea Nymph*, 55 II.

SPAIN AND THE SPANIARDS—*contd.*

- ships seized by—*contd.*
 *Two Brothers*, 94, 94 i.
 *Wanton*, 38, 38 i.
 sloop captured by Mosquito Indians, 486 ii.
 Spanish ship cast away and plundered at Spanish Town, 445, 445 i, ii.
 trade of, 528 p. 360.
 with French Sugar Colonies, 386 p. 244.
 West Indies, Bermuda negroes transported to, 34.
 Governor's instructions, 338.
 Spanish Town. *See* Virgin Islands.
 Spooner, J., Speaker of Assembly, St. Kitts, document signed by, 414.
 Spotswood, Alexander, Colonel, late Lieut. Governor of Virginia, Indians settled by, 89 ii p. 66.
 meeting and treaty with Indians, expenses of, 583 i.
 proposed as Governor of new settlements near the Great Mountains, 391.
 Sproggell, J. S., senior, certificate by, 425.
 J., observations on mines in America by, 424.
 Squarry, Admiral, R.N., order signed by, 422 ii (y).
 Squibb, Francis, J.P., Newfoundland, document signed by, 422 iv (i).
 servant of, case of, 422 iv (b).
 Stables, E., Clerk of the House of Commons, document signed by, 87, 124, 141.
 Stanyan, Temple, Clerk of the Privy Council, document signed by, 4, 5, 7, 36, 37, 137, 139, 142-145, 536, 540, 544, 547, 572-574, 576.
 letter from, 22.
 Stauber, Jacob, certificate in favour of, 425.
 journey of, account of, 112.
 letter from, 399, 453, 496.
 petition of, 112, 130, 140, 342 i.
 proposal to settle Swiss and German Protestants, 399.
 Stewart, —, Rear-Admiral, R.N., 25, 25 ii, 338.
 dispute with Kingston merchants, 433 p. 292.
 at Port Antonio, 147.
 Stewart, John, Speaker of Assembly, Jamaica, document signed by, 486 i.
 Stores of War. *See* under each Colony.

- Storke, Samuel, letter from, 219.
 letter to, 211.
 Stow, Win., Newfoundland, debt of, payment of, 422 (b) (i).
 Strickland, Sir William, Secretary at War, 146, 210, 415.
 letter from, 60 i.
 letter to, 148, 202 i.
 Stuard, Thomas, servant of Justice Squibb, case of, 422 iv (b).
 Sugar, rum, molasses; *and see* under each Colony.
 imports of, account of, 65 i.
 request for, 63.
 trade in, 578 i.
 Sugar Colonies, Act concerning, comment upon, 406.
 prejudicial to British trade in the Plantations, 406.
 British, decline of, 386 pp. 243, 244, 494 pp. 348-9.
 trade of, 560, 561.
 handicapped by duties, 386 pp. 243, 244.
 proposals to improve, 386 pp. 246.
 effect of new regulations in, 414.
 exports of, 473 p. 326.
 exports and imports of, 561.
 foreign, exports of, 473 p. 326.
 trade of, 463 i, 473 p. 325, 484 pp. 348-9, 560, 561.
 with Ireland, complaint concerning, 137.
 with Northern Colonies, complaint concerning, 137.
 petition concerning, 39, 39 i, ii.
 report upon, 125.
 French, encouragement of, 386 pp. 243, 244.
 flourishing state of, 386 p. 244.
 trade of, 473 p. 325.
 merchants and traders to, petition of, 137.
 referred to Parliament, 137.
 monopoly, arguments in favour of, from Barbados, 578 i.
 legislation for, effect in Northern Colonies, 560, 561.
 objection from Virginia, 473 p. 324.
 protest from Pennsylvania, 560.
 representation from New York, 463 i.
 representations from the Northern Colonies, 561.

Sugar Colonies—*contd.*

- petitions concerning, 75, 78.
-, from Northern Colonies, 22.
- rum manufacture, 578 i.
- trade of, 386, 463 i, 473 p. 325, 560, 561.
-, affected by French, 414.
-, with Dutch, 406 p. 258.
-, effect of regulations for, 414.
-, with French, 406 p. 258.
-, with Maryland, 375.
-, with Northern Colonies, 578 i.
-, papers laid before the House of Lords, 159.
-, petitions concerning, 137.
-, with the Plantations, 406 p. 258, 494 pp. 348-9; *and see* Plantations; France and the French; *and* under each Colony.
- Sugar trade, address from St. Christopher, concerning, 414.
-, case of, 541.
-, legislation concerning, effect of, 406, 463 i.
-, objection to, 463 i, 473 p. 324.
-, petition against, 463 i.
-, between Northern Colonies and French, effect on Barbados, 475.
-, representation upon, 386.
- Surinam, flourishing condition of, 494 p. 349.
-, sugar trade, 494 p. 349.
-, trade of, 406 p. 261, 414.
-, with Pennsylvania, 89 i (vi).
-, with Rhode Island, 474.
- Susquehannah River, 89 i.
- Sutton, —, Lieut., death of, 92.
- Sweden, trade of, 473.
-, with Great Britain, representation upon, 413, 413 i.
-, with West Indies, 389 i, ii, 395, 396.
- Switzerland and the Swiss, Protestant settlers for Va., 178, 178 i, 391, 471, 496; *and see* Stanber; Ochs.
-, settlement, in Carolina South, 488 p. 342, 504; *and see* Pury, Jean Pierre.
-, in Virginia proposed, 112, 178, 178 i, 342 i; *and see* Va., The Great Mountains.
-, settlers from, 399.
-, for Virginia, 391.

T.

- Tailer, William, Colonel, Lieut.-Governor of New Hampshire, correspondence with Colonel Dunbar, 12 v, vi.
-, death of, 587.
-, document signed by, 301 iv.
-, forts surveyed by, 28 iv.
-, instructions to, 28 i, ii, 66 ix.
-, letter from, 28 iv.
-, letter to, 28 iv.
-, Pemaquid fortifications visited by, 66 iii, ix.
-, visit to Fredericksfort, 301.
- Talbot, Charles, Solicitor-General, 49.
-, instructions to, 36.
-, letter from, 353.
-, letter to, 172, 207.
-, opinion by, 64, 144, 309, 427, 458.
-, report by, 398.
- Talcott, Joseph, Governor of Connecticut, copy of acts forwarded by, 582.
-, instructions, additional, to, 540 ii.
-, letter from, 470.
-, letter to, 203.
- Tarrent, James, Newfoundland, document signed by, 422 iv (b).
- Tartar*, H.M.S., 25, 486.
-, transport ship, at Jamaica, 51.
- Tavernor (Taverner) Jacob, Newfoundland, 422 ii (j).
-, document signed by, 422 iv (b) (i).
- Tayloe, John, Virginia, recommended for Council, 567 pp. 389, 390.
- Taylor, John, recommended for Council, Virginia, 177.
- Temple, Richard, Viscount Cobham, 217 p. 122.
-, Sir Thomas, lands in Nova Scotia, title to, 217 p. 122.
- Tercera, Portuguese ship seized at, 479, 479 i-iv.
- Thauvet, Andrew, St. Kitts, lands of Bodkin, grant of, 505 i.
- Thompson, John, mariner, Pennsylvania, tried for piracy, 479, 479 i.
- Thomson, James, turner, Dublin, 25 iv.
- Thurman, Samuel, Captain, Chief Fishing Admiral, Newfoundland, 333 i.
- Tiederondequatt, danger from French at, 478 iii, iv.
-, trade of, 478 iv.
- Tobago, claim to, 389 i, 395.
-, by the Duke of Courland, 413 i.
-, English settlement on, 413 i.

Tobago, English settlement on—*contd.*
 assisted from Barbados,
 413 i.
 grant of, by Charles II, 413 i.
 conditions attached to not
 complied with, 413 i.
 sale of, to Sweden, proposed,
 389 i, ii, 413 i.
 Swedish designs on, 389 ii, 395,
 396.
 Todd, John, estate of, Act concerning,
 316 i.
 Tortuga, Spanish sloop at, Englishmen
 on board, 55 ii.
 Tout, Benjamin, New England, ship
 attacked by pirates, 485.
 Townsend, Lord, 356.
 Townshend, Lt.-Colonel, Jamaica, letter
 from, 370.
 extract of, 54.
 Townshend. *See* under Nova Scotia.
 Trade. *See* under Plantations; *and*
 under separate Colonies.
 Trade, Acts of, 323.
 breaches of, in New
 Hampshire, 377 viii.
 Trade, Board of, Committee of, report
 of, 359, 360.
 office fees, 357, 357 i.
 petty expenses of, 418, 577.
 report by, concerning
 Jamaica, 338.
 representation concerning
 the Bahamas, 84 i.
 with France. *See* France and the
 French; *and* under each Colony.
 with Great Britain, prejudiced by
 Act concerning Sugar Colonies,
 406.
 between Great Britain and
 Sweden, representation upon 413,
 413 i.
 Trade and Navigation of Great Britain,
 Acts of, 330.
 Acts in the Plantations affecting,
 441, 458, 528 p. 360.
 in Carolina South, 488 i,
 555.
 enquiry into, 509.
 in Jamaica, 487.
 representation from Penn-
 sylvania, 477.
 representation from Virginia,
 473, 567 pp. 388-9.
 Sugar monopoly, effect of,
 406, 463 i, 560, 561.
 TRADE AND PLANTATIONS:
 Council of, Clerk's salaries,
 petition for establishment of, 192 i.
 schedule of fees pro-
 posed, 192 ii.

TRADE AND PLANTATIONS—*contd.*
 Council of—*contd.*
 Governors of Colonies,
 instructions for, 49.
 letters, instructions, represent-
 ations from, concerning:—
 Antigua, 393, 495, 557, 575.
 Bahamas, 84, 222.
 Barbados, 166, 166 i, 193,
 475, 556.
 Bermuda, 142, 171, 533,
 534.
 Carolina, 568.
 Carolina South, 36, 120,
 488 i, 519.
 corrected drafts of,
 594.
 Customs, 543.
 Jamaica, 11, 104, 145, 145 i,
 149, 154, 296, 300, 300 i, 328, 351,
 351 i, 383, 412, 520.
 Leeward Islands, 168, 168 i,
 226.
 Maryland, 451.
 Massachusetts Bay, 53, 77,
 230, 350, 467, 468, 469, 545.
 corrected drafts of,
 591.
 Nevis, 552.
 Newfoundland, 155, 155 i.
 New Hampshire, 45, 462.
 New Jersey, 233, 298, 558.
 New York, 108, 139, 201,
 220, 221, 314.
 Northern Colonies, 78.
 Nova Scotia, 44, 109, 152.
 office fees and gratuities,
 206.
 office expenses, 101, 428.
 Pennsylvania, 89 ii, 361.
 St. Christopher, 567.
 Sta. Lucia, Dominico and
 St. Vincent, 429, 446.
 settlement of Charitable
 Colony in Carolina South, 15.
 Trade in Plantations, 509.
 Trade with Sweden, 413,
 413 i.
 Virginia, 186, 187, 199, 382.
 letters, instructions, memorials,
 orders, petitions, references to,
 concerning:—
 Antigua, 30, 76, 325, 443,
 494, 495 i, 546.
 Bahamas, 47, 191, 232, 339,
 439, 527.
 Barbados, 17, 18, 106, 107,
 124, 160, 322, 386, 431, 475, 509,
 578 i.
 Bermuda, 34, 35, 307, 472.
 Canada, 125.

TRADE AND PLANTATIONS—*contd.*

- letters etc. concerning—*contd.*
 , Carolina North, 323, 404.
 , Carolina South, 102, 488, 555.
 , Clerk's salaries, 192, 192 i.
 , Connecticut, 470.
 , debts in the Plantations, 367.
 , Indians, 129.
 , Jamaica, 51, 97, 146 i, 147, 292, 340, 343, 348, 434, 435, 486, 549, 564.
 , Leeward Islands, 59, 161, 183.
 , Maryland, 303, 341, 453.
 , Massachusetts Bay, 13, 73, 80, 81, 105, 126, 144, 156, 208, 238, 293, 294, 320, 345, 345 i, 378, 379, 388, 448, 449, 457, 510, 528.
 , Naval stores, 98.
 , New England, 125.
 , Newfoundland, 110, 127, 444, 508.
 , New Hampshire, 29, 66, 126 ii, 158, 291, 291 ii, 397.
 , New Jersey, 170, 417, 553.
 , New York, 37, 134, 141, 181, 197, 246, 409, 581.
 , Nova Scotia, 353, 427, 493.
 , Pennsylvania, 89, 89 i, 112, 143, 205, 465, 477, 478, 560.
 , petition for establishing a Charitable Colony in Carolina S., 7, 15.
 , Rhode Island, 402, 402 i, 474, 539.
 , St. Christopher, 188, 414, 554, 570, 571.
 , Sugar trade, 561.
 , Trade in Great Britain, 224.
 , trade in West Indies, 389.
 , Virginia, 52, 62, 67, 130, 131, 163, 178, 290, 342, 391, 399, 406, 473, 496, 567.
 , office fees and gratuities, petition concerning, 206.
 , office expenses and officers' salaries, account of, 101.
 , petty expenses of, 100.
 , salary of Governor of Massachusetts Bay, consideration of, 335.
 , Secretary of. *See* Popple, Alured.
 , Lords Commissioners for, 22.
 , hemp and flax from Fredericksfort sent to, 12.

TRADE AND PLANTATIONS—*contd.*

- letters etc. concerning—*contd.*
 , lands in Massachusetts Bay and Nova Scotia, case of, hearing of, 49.
 , report, on manufactures in the Colonies, required, 87.
 , on hemp and flax planting, required, 87.
 , Virginia Tobacco Act, 62, 67, 68, 74.
 Trade and Shipping in the Plantations, Acts prejudicial to Great Britain, instructions concerning, 434 i.
 Trahean, Joseph, effects of, 35.
 , murder of, 35.
 Treasury, H.M., Lords Commissioners of, 313, 566.
 , Colonel Dunbar's appointment, 551.
 , letter to, 101, 216 i, ii, 428.
 , petition to, 583 i.
 , Secretary of. *See* Scrope, J.
 , Solicitor of, opinion by, 49.
 Treaty of Neutrality, breaches of, 494.
 Treaty of Peace and Neutrality, interpretation of, 561 p. 385.
 Treaty of Utrecht, 494 p. 348.
 Trinidad, trade with, 386 p. 244.
 Trott, Nicholas, Car. S., claim to office of Chief Justice, 488 viii, x.
 , Commission of, copy of, 488, 488 vii.
 , memorial from, 488 ix, x.
 Tudor, —, Jamaica, arrest of, 25.
 Twechtweise, Indian name for Miamies, 89 ii.
Two Brothers sloop, seizure of, 94.
 , deposition concerning, 94 i.
 Tymms, John, merchant, Jamaica, letter from, 434 ii.
 Tynes (Tines), Timothy, pirate, case of, 35.
 , trial of, 35 i.

U.

- Union*, voyage of, 484 i.
 Ushant, Cape, 555.
 Utrecht, Treaty of, 427 p. 287, 494 p. 348.
 , articles of, enforcement of, 422 ii (l).

V.

- Van Dam, Rip, President of Council, New York, document signed by, 463 i.
 letter from, 408, 409, 458, 463, 464, 478, 478 i, 580, 581, 582.
 letter to, 478 ii.
 speech of, 408.
- Van Vleck, Abraham, memorial concerning, 94.
- Vaughan, —, late Lieut. Governor of New Hampshire, 397.
- Vernon, J., Clerk of Privy Council, document signed by, 80, 81, 82, 83, 84, 98, 109, 322, 345, 354, 355, 357–361, 363–367, 503–507, 511–517.
 letter from, 326.
- Vert, Bay of, 427 p. 289.
- VIRGINIA, Act (1705) *against importing tobacco from Carolina and other parts without the Capes of Virginia*, 382.
 repeal of, 516.
 Act *for amending the staple of tobacco*, 68, 74, 473 p. 327.
 advantages of, 290 p. 170.
 approbation of urged, 290 p. 170.
 building of warehouses *etc.* under, 290 p. 170.
 confirmation of, desired, 62, 187.
 Customs Commissioners' report upon, 67.
 to lie by probationary, 187, 363.
 Lieut. Governor Gooch's arguments in favour of, 62, 67.
 objections to, 62.
 opinion upon, 85, 86, 187.
 preparations for putting into execution, 290 p. 170.
 recommended, 309.
 representation upon, 187.
 suspension of, damaging to trade, 290 p. 170.
 Act (1722) amending an act concerning servants and slaves, repeal of, 340.
 Act (1661) concerning payment of debts, 434 i (ii).
 (1663), 434 i (ii).
 Act *for continuing part of an act for laying a duty on liquors* (1730), 434 i (ii).
 repeal of, 364, 567 p. 389.
 Act (1705) *declaring how long judgments, bonds, and accounts shall be in force*, disapprobation of, 434 i (ii).

VIRGINIA—*contd.*

- Act *for improving the staple of tobacco*, approbation of, 567.
 delay in confirmation of, 567 p. 388.
 to lie by probationary, 199.
 opinion upon, 199.
 opposition to, 163.
 Lieut. Governor Gooch's reply to, 163.
 Act *laying a duty on liquors etc.*, repeal of, 381.
 Act (1726) *for the more effectual preventing the bringing tobacco from North Carolina and the bounds in controversy*, 82, 382.
 repeal of, 515.
 Act for preventing the meeting of slaves *etc.* (1723), enforcement of, 309 i.
 Act (1705) concerning servants and slaves, publication ordered, 309 i.
 Act, tobacco, of 1713, 567 p. 388.
 repeal of, 199.
 Act concerning 2/- per hhd. (1661), 434 i (ii).
 Act concerning Castle duty of 1/3 (1669), 434 i (ii).
 (1680), 434 i (ii).
 Acts in, affecting Trade and Navigation of Great Britain, 473.
 agent for, 473.
 opinion on Tobacco Act, 187.
 appeals for £100 value, 473.
 hardships entailed by, 290 p. 172.
 reasons against, 473 (iii).
 Assembly of, 62.
 and Colonel Spotswood's expenses concerning Indian Treaty, 588 i.
 prorogued, 290 v, 309 i.
 and Tobacco Act, 67 p. 49.
 Attorney General of. *See* Clayton, John.
 Blue Hills, settlement beyond, 425.
 boundaries of, 89 i, ii.
 with Carolina North, 404, 404 ii.
 inclination to extend, 290 p. 169.
 with Pennsylvania, 112.
 condition of, peaceful, 309.
 Conestogue, Col. Spotswood's meeting with Indians at, 583 i.
 copper mines, 473 p. 327.
 Council of, importance of selecting suitable members, 52.

VIRGINIA—*contd.*

- Council of—*contd.*
 , journal of, 290 p. 170, 309.
 , minutes, 583 *ii*.
 , persons recommended for,
 52, 567 p. 390.
 , representation from, 473,
 567 p. 389.
 , Surveyor General of
 Customs to be member of, 543.
 , Councillors of, 526; *and see* Bray,
 David; Page, Mann; Corbin;
 Armistead, Henry; Tayloe;
 Taylor, John; Carter, John;
 Carter, Robert; Blair, James;
 Byrd, W.; Digges, Cole;
 Robinson, John; Grymes, John;
 Dandridge, W.; Curtis, Jno.;
 Randolph, William; Harrison,
 Henry.
 , Courts of Common Law, pro-
 ceedings in, concerning imports of
 tobacco, 86.
 , Customs, Surveyor General of.
 See Fitzwilliams.
 , debts in, method of collecting,
 290 p. 172, 473.
 , defence of, 290 p. 169.
 , Double Top Mountain, 112.
 , German and Swiss Protestants,
 proposal to settle, 112, 342 *i*; *and*
 see Stauber; Va. the Great
 Mountains.
 , Gloucester County, militia in,
 a member of Council to command,
 52.
 , negroes numerous in, 52.
 , Governor of, instructions,
 additional, for, 540 *ii*.
 , and Council, Colonel Spots-
 wood's expenses, 583 *i*.
 , the Great Mountains, lands of,
 account of, 112.
 , fertility of, 112.
 , grants of, from the Crown,
 290 p. 169.
 , patent for, 112.
 , petition for, 471; *and*
 see Ochs; Stauber.
 , proposal to settle, 112,
 130, 140, 342 *i*.
 , Germans and
 Swiss, petition concerning, 178,
 178 *i*.
 , road through, proposal for,
 112.
 , settlements in, Col. Spots-
 wood proposed as Governor of, 391.
 , importance of, 131.
 , opinion upon, 131.

VIRGINIA—*contd.*

- the Great Mountains—*contd.*
 , proposal for consti-
 tution of, 178 *i*.
 , reasons in favour of,
 131.
 , by Swiss and German
 Protestants, 391, 496.
 , Hawks Bill Creek, 112.
 , Indians, 52, 89 *ii* p. 66.
 , defence against, 112.
 , friendship with, 112, 342 *i*.
 , meeting and treaty with
 Colonel Spotswood, expenses of,
 583 *i*.
 , trade with, 131.
 , iron manufacture, 473 p. 327.
 , James River, fort, stores for, 290
 p. 169.
 , fortification of, urged, 290
 p. 169.
 , lands in, by Great Mountains,
 petition concerning, 342 *i*; *and see*
 Virginia, the Great Mountains.
 , liable to payment of debts,
 290 p. 172.
 , patents for, 131, 290 p. 172.
 , tenure of, 290 p. 172,
 473 (*ii*).
 , linen and woollen manufacture in,
 473 p. 327.
 , Act to encourage, 567
 p. 388.
 , manufactures in, 473 p. 327,
 567 p. 389.
 , militia, instructions to, 52.
 , order concerning, 309 *i*.
 , negroes, conspiracy of, 52.
 , duty on repealed, 567 p.
 389.
 , proclamation concerning,
 309 *i*.
 , submission of, 199.
 , unlawful meetings, procla-
 mation concerning, 290 *v*.
 , Norfolk County, negro conspiracy
 frustrated in, 52.
 , Northern Neck, boundaries,
 dispute concerning, 290.
 , pirates, increase of expected, 290
 p. 169.
 , Princess Anne County, negro
 conspiracy frustrated in, 52.
 , queries concerning Trade and
 Navigation of Great Britain, reply
 to, 567 pp. 388-9.
 , quit rents, revenue from, account
 of, 290 *iii*, *iv*.
 , Receiver General. *See* Grymes,
 John.
 , deputy. *See* Blain, John,

VIRGINIA—*contd.*

-, revenue of, from 2/- per hhd.,
account of, 290 i. ii.
-, from quit rents, account of,
290 iii. iv.
-, from tobacco, 85, 86.
-, rum, duty on repealed, 567 p. 389.
-, Savannah River, settlement on,
404 ii.
-, settlements of German and Swiss
in, proposal for, 112; *and see*
Stauber; Ochs; Va. lands in the
Great Mountains.
-, slaves in, convicted, position with
regard to benefit of Clergy, opinion
upon required, 290 p. 173.
-, Stauber's journey into, account
of, 112.
-, stores of war for, request for, 290
p. 169.
-, sugar, rum, molasses imported
from, account of, 63, 65 i.
-, sugar trade, 561 p. 386.
-, Lieut. Governor Gooch's
remarks upon, 406.
-, Swiss Protestants, for, proposal
to settle, 342 i.
-, Tobacco Act (1726) effect in
Carolina North, 323.
-, queries concerning, reply to,
163.
-, tobacco, as barter, injustice of,
67.
-, good crop of, 270 p. 171,
309.
-, high duty on, 473 p. 327.
-, imports of reduced, 86.
-, improvement in, resulting
from Act, 567 p. 388.
-, new method of payment
for, 67.
-, planters, 86.
-, price of, 67.
-, low, effect of, 67
p. 49, 473, p. 327.
-, prohibited from Carolina
North, 86.
-, restrictions on cultivation
of, 555.
-, scheme for improving the
staple of, 199.
-, trade, 406 p. 260, 567
p. 388.
-, description of, 67
pp. 48, 49.
-, frauds in, Act to
prevent, 62.
-, 2/- pr. hhd. duty on, revenue
from, 290 i. ii.
-, value of, to revenue, 67.

VIRGINIA—*contd.*

-, trade of, 52, 131, 309, 406 p. 260,
528 p. 360, 567 pp. 388-9.
-, memorial concerning, 85.
- Virgin Islands (Tortola, Spanish Town,
Auguilla, St. John's).
-, Spanish Town, Spanish ship cast
away and plundered at, 445, 445
i. ii.
-, troops sent from St.
Christophers, 445, 445 i. ii.

W.

- Wabash (Ouabache) River, 89 ii.
- Wager, Sir Charles, a Lord Commissioner
of the Admiralty, document signed
by, 69 i.
- Waite, Richard, master of *Union* sloop,
deposition of, 484 i.
- Walcot, John, Salem, petition of, 144 i.
-, Josiah, Salem, father of above,
144 i.
-, lands of, 353 viii.
- Waldo (Waldoe), Samuel, and Company,
lands claimed by, 217 pp. 122, 123.
-, petition of, 49, 144, 217
p. 122, 353, 353 ii.
-, referred, 172.
- Waldron, Richard, Councillor and Clerk
of Council, New Hampshire, 12,
377 xi.
-, appointment of, 28, 291
p. 175.
-, opposition to, 291
p. 177.
-, complaint against, 291
p. 177, 374.
-, document signed by, 377 i,
455 x.
-, mandamus for, 208.
-, proposed for Council, 455,
499.
-, recommended for Council,
320, 462.
- Walpole, Horatio, letter to, 398.
- R., document signed by, 96.
- Walpole, *See* under Nova Scotia.
- Walters, Robert, Councillor, New York,
death of, 245, 246.
- Walton, —, Col., Councillor, New Hamp-
shire, 291 p. 176.
- Walton, Shadrach, Captain, Commander
of Fort William and Mary, affidavit
of, 455, 455 ix.
-, certificate concerning, 373
iii.
-, character of, 377.

- Walton, Shadrach—*contd.*
 Commission of, 373 I, II,
 377, 377 IV.
 Colonel Dunbar's dispute
 with, 373 I, II, 377.
 letter to, 373 II, 377 IV.
 orders from Governor
 Belcher, dispute concerning, 467,
 469.
 refuses Colonel Dunbar
 admission to fort, 373 I, II, 377 IV,
 VI, VIII.
 warrant to, 377 I.
 William, merchant, New York,
 loss sustained by, 32.
 Wanton, John, Deputy-Governor of
 Rhode Island, Assembly summoned
 by, 402 I.
 William, Rhode Island, memorial
 concerning ship of, 38, 38 I.
 Ward, R., Secretary of Rhode Island,
 document examined by, 402 II.
 Warren, Robert, Clerk of Assembly,
 Barbados, document signed by,
 432.
 Waterhouse, Thos., Captain, R.N., 43.
 document signed by, 584 I,
 III.
 Heads of Enquiry for, 111,
 113, 113 I.
 reply to, 24 v.
 instructions for, 113.
 letter from, 24, 584.
 Waterman, Richard, Newfoundland,
 appointed as Justice of the Peace,
 422 II (j).
 Thos., Newfoundland, document
 signed by, 422 IV (b).
 Watson, Hugh, Car. S., patent of,
 surrender of, 48.
 Joseph & Co., grant of land in
 Nova Scotia to, 427 I.
 Watts, John, families settled in Nova
 Scotia by, 353 VIII.
 wife of, 353 XII.
 Thomas, petition of, 98 I.
Wanton ship, seizure of, 38, 38 I.
 Weare, Nathl., document signed by, 455 x.
 Webster, —, Capt., R.N. [?], 430.
 Webster, —, Deputy Secretary of
 Barbados, 19, 106.
 Weekes, Ralph, Councillor and Sheriff,
 Barbados, case of George Culpeper,
 20, 20 I.
 Wendel, Johannis Evertse, statement by,
 473 III.
 Wentworth, Benning, New Hampshire,
 son of Lieut.-Governor, 373 III.
 deposition of, 377 VI.
 document signed by, 291 II.
 proposed for Council, 499.
 Wentworth, Benning—*contd.*
 recommended for Council,
 291 p. 177, 462.
 Wentworth, Ebenezer, deposition of,
 353 IX, XIV.
 John, Lieut. Governor of New
 Hampshire, character of, 12.
 death of, 12, 45, 70.
 document signed by, 291 II.
 instructions to, 6.
 ironworks of, 528 p. 360.
 successor to, 66.
 William, deposition of, 353 IX,
 XIV.
 West Indies, trade with Pennsylvania,
 89 I (vi, viii).
 Westbrook, Thomas, Colonel, father-in-
 law of Mr. Waldron, Councillor,
 New Hampshire, 217 p. 124.
 complaint against, 291
 p. 177.
 letter from, 12 VIII, IX.
 letter to, 12 VII.
 retirement of, 291 p. 175,
 455.
 saw mills of, 217 p. 124.
 Westmorland, Nova Scotia, new township
 of, 217 p. 121.
 Weston, William, J.P., St. John's, New-
 foundland, 422 II (o).
 document signed by, 422 II
 (m).
 letter from, 422 IV (g).
 letter to, 422 II (v), 422 IV
 (f).
 memorial from, 8.
 order to, 422 b (i).
 petition of, 319 II, 331, 331 I.
 Whale fishing, instructions concerning, 33.
 licences. *See* Bermuda; Pitt,
 John.
 Wheelock, Brian, Deputy Secretary for
 Council of Trade and Plantations.
 letter from, 344, 347, 371, 381,
 384, 392, 396, 398, 400, 401.
 letter to, 336, 385.
 Wheelwright, John, Justice of the Peace,
 York County, order by, 301 II (a).
 reply to, 301 II (b).
 order to, 301 I.
 White, John, Chief Justice of the
 Bahamas, appointment of, 231 II
 (b), 588.
 charges against, 46, 47 p. 34.
 conduct of, 47.
 dismissal of, 47.
 document signed by, 439 II.
 recommended by Mr.
 Colebrooke, 588.

White, John—*contd.*
 support of Mr. Colebrooke,
 588.
 suspension of, 47 p. 35.
 Whitworth, Francis, Barbados, 19, 106.
 accounts of, 503 i.
 petition from, 503 i.
 Wickham, Samuel, Captain of *Sea Nymph*,
 captured by Spaniards, 55 ii.
 Wiggan (Wiggin) Andrew, Speaker of
 Assembly, New Hampshire,
 character of, 291 p. 175.
 differences with Governor
 Belcher, 291 p. 175.
 document signed by, 291 ii,
 291 iv (b).
 recommended for Council,
 291 p. 178.
 Wildman, Thomas, N.Y., deposition of,
 135.
 Wilkes (Wilks), Fra., Agent for Massa-
 chusetts Bay, 21, 73, 73 i, 126,
 498, 499.
 letter from, 126 i, 466.
 letter to, 497.
 Willard, J., Clerk of Council, Massa-
 chusetts Bay, document signed by,
 66 vi, 244, 301 i, iv, 355 i, 576 i.
 letter from, 180, 521.
 William III, Act concerning Newfound-
 land Fishing Admirals, 110.
 Williams, Francis, Jamaica, case of, 97,
 97 i, 308.
 memorial of, 308.
 John, Jamaica, estate of, 296.
 Roger, Antigua, plantation of,
 207.
 Thomas, master of *Joseph* ship,
 479, 479 iii.
 Willis, Francis, Virginia, recommended
 for Council, 567 p. 390.
Winchelsea, H.M.S., 24, 113, 584.
 Winnet, —, Councillor, Nova Scotia, lands
 claimed by, 217 p. 125.
 Winslow, Dr., Nova Scotia, lands of, 217
 p. 122.
 Joshua, deposition of, 353 xi.
 Wood, George, Spanish sloop brought to
 Jamaica by, 486 ii; *and see*
 Indians, Mosquito, in Jamaica.
 Samson, Barbados, deposition of,
 20 iii.
 William, letter to, 310.
 Jamaica, murder committed
 by, 116.
 pardon for, 116.
 Woods, H.M., in America, masts, 377
 p. 233.
 in Massachusetts Bay, preser-
 vation of, instruction concerning,
 6.

Woods, H.M.—*contd.*
 in New England, Surveyor-
 General. *See* Dunbar.
 waste in, 566.
 in Nova Scotia, land for masts,
 427 p. 287.
 reserved for the Navy, 427 i.
 destruction of, 12.
 Surveyor General of. *See* Dunbar,
 David.
 Woollen manufacture, in the Colonies, 87.
 discouragement of, 321 i.
 exported to New York, 463 i.;
and see under separate Colonies.
 Worsley, Henry, Governor of Barbados,
 400.
 charges against, 432.
 Commission of, revoked,
 196.
 departure of, 498.
 intrigues against, 19 ii.
 instructions of, 125, 179.
 letter from, 17, 18, 19, 20,
 106, 107, 193, 193 i, 216 i, ii, 313.
 extract of, 429, 446.
 letter to, 19 i, 179, 476.
 petition against, hearing of,
 106.
 petition to, 20 i.
 perquisites as Governor,
 value of, 476.
 recall of, 430-432, 476.
 retirement of, 160, 179.
 speech of, 17.
 Wright, Robert, Chief Justice, Car. S.,
 appointment of, 488 p. 343, 488 ix.
 letter from, 450, 450 i.
 Wroe, Mrs. Ann, Boston, executor of
 Joshua Wroe, 422 ii (f).
 Joshua, Boston, executors of,
 422 ii (f).
 Wybird (Wibird), Richard, Captain,
 Collector of Customs, New
 Hampshire, 455 ix.
 appointment of, 377 viii.
 deposition of, 455 ii.
 document signed by, 377 ix.
 oath administered to, 373 i.
 seal sent to, 377 vii.
 seizures made by, 410.
 Sons of, appointments of,
 410.
 junior, Comptroller of
 Customs in York County, Newbury,
 N.H., 410.
 warrant appointing,
 410 i.
 Thomas, Deputy Naval Officer,
 N.H., document signed by, 377 ix.
 Wyer, —, decree against, 217 p. 127.

Y.

- Yarmouth, North. Casco Bay, 217 p. 123.
 Yeamans, John, Agent for Antigua, 494.
 letter from, 325, 385.
 petition of, 183, 544.
 Councillor, Antigua, retirement of, 575.
 Yonge, Fra., Clerk of Council, Car. S.,
 document signed by, 103 II.
 William, document signed by, 96.
 York County. *See* Mass. Bay; Maine.
 Justices of the Peace of, order to,
 301 I.
 order from, 301 II (a).
 reply to, 301 II (b).
 301 II (b); *and see* Wheelwright,
 John; Hammond, Jos.; Pepperrell,
 Wm., jr.
 York County—*contd.*
 Maine, 217 p. 124.
 annexed to, order concerning,
 301 IV.
 lands in, grants of, 12.
 not taken up, 12 p. 6.
 Mass. Bay, lands to be annexed
 to, 66 VII.
 Sheriff of. *See* Moulton, Jer.
 Yorke, P., Attorney-General, 49.
 instructions for, 36.
 letter from, 353.
 letter to, 172, 207.
 opinion by, 64, 144, 309,
 405 I, 422 I, 427, 458.
 report by, 398, 508.

